

**Town of Montreat**  
**Board of Commissioners Meeting Agenda - Public Forum**  
**December 13, 2018 - 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 Meeting  
December 13, 2018 – 7:00 p.m.  
Walkup Building**

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**I. Call to Order**

- Pledge of Allegiance
- Moment of Silence

**II. Agenda Adoption**

**III. Mayor’s Communications**

**IV. Consent Agenda**

- A. Meeting Minutes Adoption
  - October 11, 2018, Regular Meeting Minutes
  - October 29, 2018, Special Meeting Minutes
  - November 8, 2018, Public Forum Meeting Minutes
  - November 8, 2018, Regular Meeting Minutes
  
- B. Zoning Map Approval
  
- C. 2019 Board of Commissioners Meeting Calendar
  
- D. Resolution 18-12-002 Honoring Mike Morse

***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.***

**V. Town Administrator’s Communications**

- Consent Agenda Review
- Storm Damage Repair Update
- Other Items

**VI. Administrative Reports**

- Administration
- Planning and Zoning
- Police
- Public Works and Water
- Sanitation
- Streets

**VII. Public Comment – Agenda Items**

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

**VIII. Old Business**

**A. Rules of Procedure Change: Public Comment Period**

- **Suggested Motion:** Move to approve/deny amendments to Rules 6 and 7 of the Rules of Procedure as presented to allow discussion for any topic during Public Comment Period.

**IX. New Business**

**A. Swearing in of Officer Kaila B. Gant**

**B. Appointment of Dan Dean to Planning and Zoning Commission**

- **Suggested Motion:** Move to appoint Dan Dean to the Planning and Zoning Commission for a term of three years to expire on January 31, 2022.

**C. Appointment of Brad Hestir to Montreat Tree Board**

- **Suggested Motion:** Move to appoint Brad Hestir to the Montreat Tree Board for a term of three years to expire on January 31, 2022.

**D. Appointment of Ann Vinson to Montreat Tree Board**

- **Suggested Motion:** Move to appoint Ann Vinson to the Montreat Tree Board for a term of three years to expire on January 31, 2022.

**E. Appointment of Maggie Ray to Montreat Tree Board**

- **Suggested Motion:** Move to appoint Maggie Ray to the Montreat Tree Board for a term of three years to expire on January 31, 2022.

**F. Re-Appointment of Matt Ashley to the Metropolitan Sewerage District Board.**

- **Suggested Motion:** Move to appoint Matt Ashley to the Metropolitan Sewerage District Board for a term of one year to expire on January 31, 2020.

**G. Zoning Ordinance Review**

- **Suggested Motion:** To direct the Planning and Zoning Commission to review the provisions of the Zoning Ordinance through a multiple meeting process, beginning in January 2019 and to provide recommendations from their review to the Board of Commissioners at the August 2019 regular meeting.

#### **H. Changes to Municipal Election Cycle**

- **Suggested Motion:** Motion to approve/deny Resolution #18-12-001 Resolution of the Board of Commissioners in Support of Even Year Elections.

#### **I. Contract Approval: Real Property Sale**

- **Suggested Motion:** To authorize the Mayor to enter into and execute Contract #18-12-0001 for the sale of Public Property being all of that 0.398 acre parcel shown as Tract 2 on the plat entitled "Survey for Town of Montreat" prepared by High Country Surveyors, Inc., and recorded in Plat Book 186 at Page 161 in the Buncombe County, North Carolina Public Registry. Being Lot 389 and a portion of Lot 388 as shown on the plat recorded in Plat Book 16 at Page 97 and being a portion of the property acquired by the Town of Montreat by deed recorded in Book 5159 at Page 190, Buncombe County Registry in the amount of \$117,500.00.

#### **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**

Christmas Holiday: Town Offices Closed: Monday, December 24, 2018  
and Tuesday, December 25,  
2018

Sanitation Pickup: Wednesday, December 26,  
2018

New Year's Holiday: Town Offices  
Closed: Tuesday, January 1, 2019

January Town Council Meeting: Thursday, January 10, 2018

**Montreat Board of Commissioners  
Town Council Meeting  
December 13, 2018**

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Walkup Building  
Public Forum begins at 6:30  
p.m.

Martin Luther King Jr. Holiday: Town  
Offices Closed:

Monday, January 21, 2019

Sanitation Pickup:

Tuesday, January 22, 2019

Tree Board:

Tuesday, January 22, 2019  
9:30 a.m. Town Services  
Building

**V. Adjournment**

**Town of Montreat  
Board of Commissioners  
Town Council Meeting  
October 11, 2018  
Walkup Building**

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

Board members absent: None

Town staff present: Alex Carmichael, Town Administrator  
Angie Murphy, Town Clerk  
Dave Arrant, Chief of Police  
Barry Creasman, Public Works Director

Approximately 20 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.

**Agenda Approval**

Commissioner Widmer requested to pull the September 13<sup>th</sup> Public Forum Meeting Minutes for needed corrections. Commissioner Otto requested to add the bid for the Florida Terrace property to the agenda. Mr. Carmichael advised the Commission that this afternoon a bid was received on one of the Florida Terrace parcels in the amount of \$111,000. Mr. Carmichael stated that this brings us closer to the Town's investment price. The process at this point would be to propose to accept the bid in front of the Commission. This item would be added under "New Business" as Item L. Commissioner Gilliland moved to adopt the agenda as amended. Commissioner Fouche seconded and the motion carried 5/0.

**Presentations and Reports**

A. Recommendation from Planning and Zoning Committee: Mr. Carmichael stated that at the September 13<sup>th</sup> regular meeting the Board of Commissioners heard a recommendation from staff to amend the Town Zoning Map to include the newly annexed property. The Planning and Zoning Committee has heard this request and feels it is within the plans and goals of the Comprehensive Plan.

B. Rescheduling Municipal Election Cycle and Amending Certain Terms of Office: Mr. Carmichael stated that the Commission had asked staff to research the process for amending the election cycle. In the Summer of 2018 the North Carolina General Assembly passed Session Law 2018-123 which, among other things, moved the Asheville City Council election from an odd year cycle to an

even year cycle. The law also lengthened the terms of the current City Council members to meet the new schedule. Staff researched the pros and cons of switching to an even year cycle. The Board of Elections is inclined to believe that the costs of election services will decline across the board whether the election is an even year or odd year. Costs are not the only factor. Odd year elections have long been a tool for preserving the nonpartisan nature of the offices of the Commission. Another factor to be addressed is the length of current Commission terms will have to be elongated or special elections would have to be held to fill the one year gap. Staff does not have a recommendation at this time; rather it is a policy decision of the Board. The Commission urged Staff to reach out to other communities to see what they are doing. Biltmore Forest has made a move to move their election cycle. The Town of Black Mountain has directed their Town Attorney to draft a resolution to discuss at their November meeting. Commissioner Widmer asked Mr. Carmichael to reach out to Biltmore Forest to see what their thinking is on partisanship and participation. Commissioner Lentz attended a meeting at Land-of-Sky and Mayor Goosmann of Biltmore Forest stated that Biltmore Forest spent \$5,600 in an election where 50 people were voting and 100% of their Board was behind the decision to switch to even year elections. Mayor Pro Tem Otto would hate to see Montreat get caught up in the partisanship of the election but is interested in investigating the money savings aspect.

### **Mayor's Communications**

Mayor Helms announced that three police officers received awards of meritorious accommodation: Officer Mac McClintock, Officer Lee Blevins and Officer Ed Teters were presented these awards due their willingness to serve long hours, in a staffing crunch, to the Town of Montreat. Town Clerk Angie Murphy has completed her Municipal Clerk Certification through the UNC School of Government. Mayor Helms also welcomed back Miss Murphy from her leave of absence. Mayor Helms stated that he did a Proclamation for the Montreat College Class of 1968 in celebration of their 50<sup>th</sup> reunion.

### **Consent Agenda Review**

The proposed Consent Agenda will include the following items:

- September 13, 2018 Town Council Meeting Minutes

### **Town Administrator's Communications**

- Mr. Carmichael stated that the work on Providence Terrace is nearly complete.
- Mr. Carmichael stated that staff is near completion with RFQs for other storm damage from Hurricane Alberto and the RFQs will be brought before the Board soon.
- Mr. Carmichael announced that Calvin Trail will be closed on October 12<sup>th</sup> for repair work to the culverts. The road will be closed for one-way traffic most of day and two-way traffic between noon and 5:00 p.m. This closure was announced on our Website, Facebook, CodeRED and door-to-door.

- Mr. Carmichael stated that staff was asked to research changes to the public comment period of the agenda meeting last month. General Statutes do require municipalities to have public comment periods but we are not required to have two separate sessions. The Rules of Procedures for the Board of Commissioners do require public comment periods. Rules 6 and 7 outline public comment periods and order of business. Rule 32 outlines the process for changing the Rules of Procedures. In order to pass the change  $\frac{3}{4}$  vote will be required.
- Today we are dealing with the effects of Tropical Storm Michael. Buncombe County is under a flash flood watch. Town Staff has received notification that power is out on Virginia Road, four trees have come down with only one on private property but there has been no damage to infrastructure.
- Mr. Carmichael stated that this evening contract approval for work on Calvin Trail will be placed before the Board. This is actually a ratification of a contract that has already been signed by the Mayor.

Mayor Helms stated that Providence Terrace is a private road but we did repair it to preserve a 6-inch water line as well as sewer lines to protect the Town.

### **Administrative Reports**

**Administration:** Reports were in written form as requested by Council.

**Finance:** Reports were in written form as requested by Council.

**Planning and Zoning:** Reports were in written form as requested by Council.

**Police:** Reports were in written form as requested by Council.

**Public Works and Water:** Reports were in written form as requested by Council.

**Sanitation:** Reports were in written form as requested by Council. Commissioner Fouche asked Mr. Creasman if there had been an increase in garbage receptacles being invaded by the bears. She also stated that most of the invaded receptacles seem to from the rentals. Mr. Creasman stated that bear boxes are not being latched appropriately. Commissioner Fouche felt that the Town needs to enact the appropriate fines on those individuals who fail to pick up their refuse once it has been strewn out into the woods repeatedly.

**Streets:** Reports were in written form as requested by Council.

### **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 were no public comments at this time.

### **Old Business**

There was no Old Business at this time.

### **New Business**

- A. Schedule Public Hearing of the Proposed Zoning Map Amendment at the November 8<sup>th</sup>, 2018 Board of Commissioners Regular Meeting: Commissioner Widmer moves to hold a public hearing on the zoning of properties annexed into the Town on June 30, 2018 near the intersection of Montreat Road and Rainbow Terrace as Institutional Residential (I/R). Commissioner Alice Lentz seconded the motion and the motion carried 5/0.
- B. Schedule Special Meeting to Approve a Contract Between the Town of Montreat and Sineath Construction for the Design-Build of a Town Hall: Mr. Carmichael stated that Sineath Construction has received our contract proposal and their lawyer has it and is making some changes. Staff recommends meeting the week of the 22<sup>nd</sup> or soon thereafter. Mayor Pro Tem Otto moved to call a Special Meeting on October 24<sup>th</sup> in order to approve a contract between the Town of Montreat and Sineath Construction for the design-build of a Town Hall. Commissioner Widmer seconded and the motion carried 5/0.
- C. Ratification of Contract: Emergency Well Repairs: Mr. Carmichael stated that this was for a well failure that needed to be addressed right away. The Mayor already signed the contract which is allowed for in the Rules of Procedure as long as it is then put forth to the Commission to ratify. Commissioner Fouche moves to ratify the contract between Reuben Caldwell Drilling, Inc. and the Town of Montreat in the amount of \$8,700 for emergency well repair. Commissioner Lentz seconded and the motion carried 5/0.
- D. Ratification of Contract: Calvin Trail Culvert Repair: Mr. Carmichael stated that the Town received three bids for the Calvin Trail Culvert Repair and lowest bid is currently before the Commission. The lowest bid is for \$12,475 with the highest bid at \$36,000. Mayor Pro Tem Otto moved to ratify Wheeler Grading Contract in the amount of \$12, 475 for the Calvin Trail Culvert Repair. Commissioner Gilliland seconded and the motion carried 5/0.
- E. Request for Qualifications: Texas Road Pedestrian Bridge Professional Services: Mr. Carmichael stated that this was from the Bridge Aesthetics Committee recommendations. It was written to be designed as a two phase project and staff welcomes any feedback you may have. Mayor Pro Tem Otto moved to authorize staff to issue a request for qualifications for professional

services for the conversion of the Texas Road Bridge to a pedestrian bridge. Commissioner Widmer seconded the motion. The motion carried 5/0.

- F. Contract Approval: Contract Number 18-119-4002 Urban and Community Grant Program: Mr. Carmichael stated this is the contract from the grant we were awarded to move forward with phase 2 of the tree inventory which go beyond Lake Susan. Commissioner Fouche moved to authorize the Town Administer to execute contract number 18-119-4002 Urban and Community Grant Program between the North Carolina Department of Agriculture and Consumer Services North Carolina Forest Service and the Town of Montreat. Commissioner Widmer seconded the motion. The motion carried 5/0.
- G. Budget Amendment #1: Contracted Services: Mr. Carmichael stated that this Budget Amendment was to cover the cost of recruitment. Commissioner Lentz moved to approve Budget Amendment #1 to reclass \$5,000 in funds from Salary Contingency to Contracted Services. Commissioner Gilliland seconded and the motion carried 5/0.
- H. Budget Amendment #2: Landcare Memorial Gifts: Mr. Carmichael stated that when Nancy Hope passed away earlier this year in lieu of flowers she requested donations be made to Montreat Landcare. So far the Town has amassed roughly \$500 in donations and we would like to set up a special project fund specifically for the purpose of keeping this money separate from the General Fund. Commissioner Fouche moved to approve Budget Amendment #2 to establish the creation of the special revenue fund for donations to Landcare. Commissioner Gilliland seconded and the motion carried 5/0.
- I. Amendment to Salary Step Plan: In July of 2017 the Board authorized moving the Finance Officer Position to a pay grade of 14 and after reorganizing the finance department and now looking to hire a full time officer staff recommends increasing the pay grade to a level 18. Commissioner Fouche move to amend the salary step plan to assign the Finance Officer a grade of 18. Commissioner Gilliland seconded and the motion carried 5/0.
- J. Recognition of Private Contributions for Public Purposes: The working group of the Town Hall Committee brought this notion to the forefront and Mr. Carmichael did a little research to see if such funds were available for public purposes. The Town can accept gifts but there are some requirements. The funds must be accounted for and any and all stipulations must be met. We are as a Town able to solicit funds and we can receive funds. Both Commissioner Fouche and Commissioner Widmer stated that we need to be thinking about these kind of issues with regards to the Town Hall and the restoration of the Texas Road Bridge. Mayor Pro Tem Otto spent some time talking to the School of Government with reference to the bridge committee and they stated that they would be willing to work with the Town in collecting and maintaining the money in the correct way.

K. Florida Terrace Bid: The Town has received a bid of \$111,000 on the property facing Arkansas Trail: lot 389 north of 388 contiguous to Sylvan Heights. Mayor Pro Tem Otto moved to accept the bid of \$111,000 towards the purchase of the Town of Montreat lot contiguous to the Sylvan Heights property lot 389 north of 388. Commissioner Fouche seconded the motion. This motion dies to lack of a vote. Mayor Pro Tem Otto moves to accept an offer to purchase a .398 acre lot being lot 389 and a portion of lot 388 as shown on the plat recorded in plat book 16 on page 97 and being a portion of the property acquired by the Town of Montreat by deed recorded in book 5159 on page 190 Buncombe County and direct staff to publish notice of the offer for a 10 day period and open the upset bid process. Commissioner Fouche seconded the motion. The motion carried 5/0.

### **Public Comments-Other Topics**

Mayor Helms reiterated that the Public Comment period were for remarks pertaining to public business items not listed on the meeting agenda, including any reports or communications from other community entities.

Ms. Sally Stansill of 141 Holston Lane thanked Mr. Carmichael for addressing her questions brought about during the Public Forum.

Ms. Nancy Fletcher of 441 West Virginia Terrace expressed her concerns about the washout on Greybeard Trail. Mayor Helms stated that it is going to be fixed but it involves work in the streams which involves permits from the Army Corps of Engineers.

Mrs. Martha Campbell of 149 Maryland Place stated that former Town Administrator Ron Nalley is now the Town Manager of Appalachicola, Florida. Mr. Nalley is living on St George Island taking care of his elderly parents. The current hurricanes affected Appalachicola terribly.

### **Commissioner Communications**

Commissioner Widmer encouraged everyone to attend the Public Input Design Session on Monday in the Walkup Building at 4:30 p.m. Commissioner Widmer also invited those in attendance to complete the survey that was sent out on the Sunshine List today.

Commissioner Fouche stated that Landcare and the Tree Board are working very hard.

Commissioner Lentz stated that the addressing issue is a long complicated problem which will be figured out carefully and methodically. Commissioner Lentz mentioned the new NC Real ID, in which you have to prove North Carolina residency, which she recently completed with the DMV. Commissioner Lentz offered to help anyone who needed it with what kind of documents she took with her to prove residency.

### **Upcoming Meeting Dates**

**Montreat Board of Commissioners  
Town Council Meeting Minutes  
October 11, 2018**

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

<u>Public Input Session: Town Hall Design:</u>	Monday, October 15, 2018 4:30 p.m. Walkup Building
<u>Montreat Tree Board:</u>	Tuesday, October 23, 2018 9:30 a.m. Town Services Building
<u>Montreat Landcare:</u>	Wednesday, November 7, 2018 9:00 a.m. Allen Building
<u>November Town Council Meeting:</u>	Thursday, November 8, 2018 7:00 p.m. Walkup Building Public Forum begins at 6:30 p.m.
<u>Open Spaces Conservation Committee:</u>	Tuesday, November 13, 2018 3:30 p.m. location to be determined

**Adjournment**

There being no further business, Commissioner Tom Widmer moved to enter into Closed Session in accordance with NCGS 143-318.11(6) for discussion of a personnel matter. Commissioner Gilliland seconded and the motion carried 5/0.

Upon returning to Open Session Commissioner Gilliland moved to extend an offer of employment to Jeff Davis as Reserve Police Officer beginning on or after October 26, 2018 with an hourly wage of \$17.26. Commissioner Widmer seconded and the motion carried 5/0.

Commissioner Gilliland moved to extend an offer of employment to Gregory Bembry as Patrol Officer beginning on or after October 26, 2018 with a salary of \$36, 942. Commissioner Fouche seconded and the motion carried 5/0.

Mayor Pro Tem Otto moved to extend an offer of employment to Darlene Joy Carrasquillo as Finance Officer beginning on or after October 22, 2018 with a salary of \$64,800. Commissioner Fouche seconded and the motion carried 5/0.

Commissioner Gilliland moved to adjourn the meeting. Mayor Pro Tem seconded and the meeting was adjourned at 8:42 p.m.

**Montreat Board of Commissioners  
Town Council Meeting Minutes  
October 11, 2018**

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Tim Helms, Mayor

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Angela Murphy, Town Clerk

Town of Montreat  
Board of Commissioners  
Town Council - Special Meeting  
October 29 2018  
Town Services Building

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Board members present: Mayor Tim Helms  
Mayor Pro Tem Kent Otto  
Commissioner Kitty Fouche  
Commissioner Alice Lentz

Board members absent: Commissioner Bill Gilliland  
Commissioner Tom Widmer

Town staff present: Alex Carmichael, Town Administrator  
Angie Murphy, Town Clerk  
Darlene Carrasquillo, Finance Officer

Three members of the public were also present. Mayor Helms called the meeting to order at 2:05 p.m., and held a moment of silence.

Agenda Approval

Commissioner Kitty Fouche moved to adopt the Agenda as presented. Commissioner Alice Lentz seconded and the motion carried 3/0.

Public Comment

None

Old Business

None

New Business

A. Design-Build Contract Approval: Mr. Carmichael stated there would be two minor changes to the Design-Build Contract. Amendment A will be removed from today's contract at the request of the constructor's attorney. Amendment B, which contains information for the insurance of Sineath Construction, is coming any moment electronically. Amendment C is the owner's design build contract which was discussed at the public input session. Amendment D is the cost exhibit. Amendment E is the dispute resolution. Amendment F is the hourly billing rate. Amendment G is the milestones schedule. Mayor Helms asked if Owner's Representative Rick Giles and Town Attorney Susan Taylor Rash had reviewed these documents and Mr. Carmichael advised that both had reviewed the documents rather extensively. Mr. Carmichael

Town of Montreat  
Board of Commissioners  
Town Council - Special Meeting  
October 29 2018  
Town Services Building

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drew the Council's attention to Amendments D and G specifically to review. Mr. Carmichael stated that he reduced the timeline to get the milestones schedule to coincide with regularly scheduled meetings rather than scheduling separate special meetings. Mr. Carmichael stated that the raw estimate, before finishings, is \$920,000 in construction costs. The timeline can be amended and Mr. Carmichael expects it to be amended. These dates are considered "no later than" dates and if items are finished earlier than expected we can move along with the other dates. Commissioner Fouche moved to approve and authorize the Mayor to execute Design-Build Contract in the amount of \$98,087. Mayor Pro Tem Otto seconded and the motion carried 3/0.

B. Approval of Budget Amendment for Urban Forestry Grant: Mr. Carmichael stated this Budget Amendment moves anticipated expenditures out of public works in the General Fund into the Special Projects Fund into the grant that has already been authorized and approved. Mayor Pro Tem Otto moved to authorize Budget Amendment #3 in the amount of \$12,828 to reassign budget from special revenue project fund. Commissioner Lentz seconded and the motion carried 3/0.

Public Comment

Mr. Joe Standaert of 118 Shenandoah Terrace feels that there is still a major emphasis to do a "chamber of commerce type welcome center" to be staffed with volunteers and he feels that it needs to be emphasized that this is a business office and will be used as such.

Mrs. Mary Standaert of 118 Shenandoah Terrace questioned what kind of interest rate the Town will be looking at in negotiating borrowed money. Mr. Carmichael stated that it is the goal to get the application to the Local Government Commission in December and we will know more about interest rates at that time.

Closed Session

Mayor Pro Tem Otto moved to enter into Closed Session in accordance with NCGS §143-318.11(6) for discussion of a personnel matter. Commissioner Alice Lentz seconded and the motion carried 3/0.

Upon returning to Open Session the Mayor Pro Tem Otto moved to extend an offer of employment to Kaila Gant as Patrol Officer in the amount of \$36,942 per year. Commissioner Fouche seconded the motion and the motion carried 3/0.

Town of Montreat  
Board of Commissioners  
Town Council - Special Meeting  
October 29 2018  
Town Services Building

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Adjournment

Commissioner Lentz moved to adjourn the meeting; Commissioner Fouche seconded, and the motion carried 3/0. Meeting adjourned at 2:53 pm.

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Tim Helms, Mayor

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Angie Murphy, Town Clerk



**Town of Montreat  
Board of Commissioners  
Town Council Meeting – Public Forum  
November 8, 2018  
Walkup Building**

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

Board members absent: Commissioner Alice Lentz

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

Approximately 10 members of the public were also present. Mayor Helms called the Public Forum to order at 6:30 p.m., and held a moment of silence.

**Agenda Approval**

Commissioner Gilliland moved to adopt the agenda as presented. Commissioner Widmer seconded and the motion carried 4/0.

**Public Forum**

Mr. Tom Frist of 98 Frist Road is very thankful that Frist Road is being paved.

Mayor Helms ran into Anne Rogers, of 527 Calvin Trail, who expressed her gratitude on the replacement of the culvert on Calvin Trail.

Sara Baughman of Montreat College invited everyone to Montreat College's Annual Christmas Concert on December 1<sup>st</sup> at 7:00 p.m. in Anderson Auditorium. Ms. Baughman extended a thank you to Mayor Pro Tem Otto and Alex Carmichael for their help in working with the College on a parking plan. The new parking plan has elicited positive feedback from the MRA, students and community members. Commissioner Widmer asked Ms. Baughman about the recent cybersecurity conference. Ms. Baughman stated that 400 people were on campus and they are already planning for the 5<sup>th</sup> annual conference. Mayor Pro Tem Otto asked Ms. Baughman how many countries are represented on campus this year. Ms. Baughman stated that approximately 20 countries are represented with the soccer team being the most diverse.

Mr. Tom Frist of 98 Frist Road asked if there was anything new to report on the addressing situation. Mr. Frist found it interesting that Montreat residents voted at First Baptist Church Black Mountain in the recent election rather than in Montreat. He questioned whether that had anything to do with the addressing issues. Commissioner Widmer stated that with the

reconfiguring of the precincts it was inconvenient for people on either end of the precinct to come all the way into Montreat so that's why the voting location was changed to the First Baptist Church.

Commissioner Fouche asked those in attendance their thoughts on the two public comment periods in the current order of business. Currently public comment items on the agenda are first and then public comment items not on the agenda are last.

Mrs. Judy Shuford of 613 Greybeard Trail would like to see the separate comment periods disappear. Mrs. Shuford feels it has the potential of making for bad feelings over something trivial. Mrs. Shuford stated that Mayor Helms controls the meetings well and could gracefully corral people back to the topic on hand if the conversation should wander.

Mayor Helms stated that he feels the Public Forum has done away with a lot of the public comments.

Commissioner Fouche questioned whether both public comments were really needed.

Mrs. Judy Shuford of 613 Greybeard Trail feels that it is wise to hear from the people whenever possible so she is in favor of the Public Forum and both public comment periods.

Mr. Brad Hestir of 192 Mississippi Road likes the two separate comment periods. The structure helps keep the focus on the meeting.

Mr. Brad Hestir of 192 Mississippi Road asked if the Town had guidelines and ordinances in which it directs homeowners to what amount of parking they should provide. Mr. Carmichael stated that with new construction there are rules that determine the number of parking spaces that are required. Mr. Carmichael stated that on street parking is allowed in Montreat unless it is marked otherwise.

Mrs. Clare Frist of 98 Frist Road has concerns with people parking in such a way that emergency vehicles cannot pass through the roadways. Mr. Carmichael advised that if this does happen to notify the Montreat Police Department immediately.

### **Adjournment**

Commissioner Gilliland moved to adjourn the Public Forum. Mayor Pro Tem Otto seconded and the meeting was adjourned 4/0 at 6:56 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  
November 8, 2018  
Walkup Building**

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

Board members absent: Commissioner Alice Lentz

Town staff present: Alex Carmichael, Town Administrator  
Angie Murphy, Town Clerk  
Dave Arrant, Chief of Police  
Barry Creasman, Public Works Director  
Darlene Carrasquillo, Finance Officer  
Adrienne Isenhower, Zoning Administrator

Approximately 13 members of the public were also present. Mayor Helms called the meeting to order at 7:01 p.m., led the group in reciting the Pledge of Allegiance, and held a moment of silence.

**Agenda Approval**

Commissioner Fouche moved to adopt the agenda as presented. Commissioner Widmer seconded and the motion carried 4/0.

**Public Hearing: Proposed Rezoning of the following parcels: NC PIN 0710-63-2329, 0710-53-9360, 0710-63-1204, 0710-63-0467 and 0710-63-0580 from Town of Black Mountain zoning to the Institutional/Residential (I/R) district in the jurisdiction of the Town of Montreat**

Adrienne Isenhower stated that these five parcels were recently annexed into the Town of Montreat and the Planning and Zoning Committee reviewed the parcels last month and are recommending Institutional/Residential (I/R) as the zoning district.

Brad Hestir of 192 Mississippi Road asked for a definition of Institutional/Residential. Mrs. Isenhower defined the zoning classification as to include mixed-use of residential and office buildings.

Mr. Carmichael stated that staff has had many conversations with the MRA who will have properties effected by this rezoning. The discussions with the MRA led to a conversation about future variances sought by the Board of Adjustments related to set-back standards. The MRA would like for the current Board of Commissioners to write a letter in support of future set-back

requirements in case a variance is ever an issue for them.

Mr. Carmichael stated that if a motion is made tonight it will require 4/5 of the Commission's vote to pass this evening.

Mayor Helms closed the Public Hearing.

### **Mayor's Communications**

Mayor Helms ran into Anne Rogers who wanted to thank Town Staff and the Commission for the repairs to the culvert on Calvin Trail.

### **Consent Agenda Review**

The proposed Consent Agenda will include the following items:

- August 9, 2018, Town Council Public Forum Meeting Minutes
- August 9, 2018, Town Council Meeting Minutes
- September 13, 2018, Town Council Public Forum Meeting Minutes
- October 11, 2018, Town Council Public Forum Meeting Minutes
- October 15, 2018, Special Meeting Minutes

### **Town Administrator's Communications**

- Mr. Carmichael stated that the Town is slowly making progress on the new Town Hall. Commissioners Fouche and Widmer met with Mr. Carmichael and the owner's representative, Rick Giles, and the architect yesterday.
- Mr. Carmichael received an upset bid in the amount of \$117,500 for one of the Florida Terrace lots and a contract is in the process of being prepared.

### **Administrative Reports**

**Administration:** Reports were in written form as requested by Council.

**Finance:** Reports were in written form as requested by Council.

**Planning and Zoning:** Reports were in written form as requested by Council.

**Police:** Reports were in written form as requested by Council.

**Public Works and Water:** Reports were in written form as requested by Council.

Sanitation: Reports were in written form as requested by Council

Streets: Reports were in written form as requested by Council.

Mayor Helms commented that Town Clerk Angie Murphy had been out on a lengthy leave of absence but she is currently working hard to get the minutes caught up.

### **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 were no public comments at this time.

### **Old Business**

There was no Old Business at this time.

### **New Business**

- A. Planning & Zoning Committee Appointment: William "Bill" Scheu: Commissioner Widmer moved to appoint William "Bill" Scheu to the Planning & Zoning Committee for a term of three years to expire on January 31, 2022. Commissioner Fouche seconded and the motion carried 4/0.
  
- B. Rules of Procedure Change: Public Comment Period: Commissioner Widmer moved to amend Rules 6 and 7 of the Rules of Procedures to allow discussion for any topic during Public Comment Period. Commissioner Fouche seconded the motion. Commissioner Widmer stated that he asked for this item to be placed on the Agenda simply because in the Commission's attempt to be more open in their communication and in the spirit of transparency it would lift the restrictions placed on the public. Commissioner Fouche stated that she feels the two comment periods tend to be confusing about what is on the agenda and what is not. Commissioner Fouche does like the structure but she does feel the Mayor manages the meetings well if comments get out of control. Mayor Pro Tem Otto thanked everyone for their helpful comments during the Public Forum about this matter. Mayor Pro Tem Otto stated that the Commission loves to hear from the Community. He does like the procedural quality that the two public comment periods bring to the business meeting. The motion carried 3/1 with Mayor Pro Tem Kent Otto voting in opposition of the motion. Upon further review it was determined that 2/3 of the actual membership of the Board excluding any vacant seats but not including the Mayor was needed for this motion to carry so the motion failed. The Mayor requested this item to be added to the December agenda.

- C. Rezoning of the following parcels: NCPIN 0710-63-2329, 0710-53-9360, 0710-63-1204, 0710-63-0467 and 0710-63-0580 from Town of Black Mountain zoning to the Institutional-Residential (I/R) district in the jurisdiction of the Town of Montreat: Mayor Pro Tem Kent Otto moved to rezone the parcels identified by NCPIN 0710-63-2389, 0710-53-9360, 0710-63-1204, 0710-63-0467 and 0710-63-0580 as Institutional/Residential (I/R). Commissioner Gilliland seconded and the motion carried 4/0. Mayor Pro Tem Otto requested that Mr. Carmichael draft a memo giving the MRA the support of the current Board of Commissioners in the event that they ever seek out a variance for the properties they own in the recently rezoned parcels. All those in agreement for the letter of support 4/0.

### **Public Comments-Other Topics**

Mayor Helms reiterated that the Public Comment period were for remarks pertaining to public business items not listed on the meeting agenda, including any reports or communications from other community entities.

Jean Norris of 192 Mississippi Road stated that there are a lot of water issues in Montreat and we are getting a lot of erosion from water moving where it shouldn't. She was pleased to see that Town Staff had been out driving the roads watching the water flow.

### **Commissioner Communications**

Commissioner Fouche stated that the Landcare Committee is starting a stream watch program. Homeowners will have the opportunity to "adopt-a-stream". Landcare has also received a grant for 6 nesting boxes for the endangered hellbenders that can be found in Flat Creek. Town Administrator Alex Carmichael gave an interesting presentation on stormwater runoff. Katie Widmer talked about the Community Wildlife Certification and there is hope that more people will seek this certification in Montreat. Landcare is also working on achieving a firewise certification for the community.

Commissioner Widmer stated that we are working very closely with the architect and contractor on final details of the contract for the new Town Hall. The architect is so excited that he is moving ahead with preliminary drawings.

Commissioner Bill Gilliland stated that someone stopped him in the Post Office and thanked him for the work being completed on John Knox Rd. He passed these thanks onto Barry Creasman and his crews. Commissioner Gilliland recently had reason to contact the Montreat Police Department with the tree damage on Shenandoah Terrace and he was pleased with how quickly everyone coordinated efforts to remove the trees and clear the roadways.

**Upcoming Meeting Dates**

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

Planning & Zoning Committee: Thursday, November 15, 2018  
7:00 p.m. Walkup Building

Open Spaces Conservation Committee: Monday, November 19, 2018  
2:30 p.m. Town Services Building

Thanksgiving Holiday: Town Offices Closed Thursday & Friday, November 22 and 23,  
2018

Tree Board Tuesday, November 27, 2018  
9:30 a.m. Town Services Building

Board of Adjustment: Thursday, November 29, 2018  
7:00 p.m. Walkup Building

Montreat Landcare: Wednesday, December 5, 2018  
9:00 a.m. Allen Building, Swannanoa Room

December Town Council Meeting: Thursday, December 13, 2018  
7:00 p.m. Walkup Building  
Public Forum begins at 6:30 p.m.

**Adjournment**

There being no further business Commissioner Fouche moved to adjourn the meeting. Mayor Pro Tem Otto seconded and the meeting was adjourned at 7:31 p.m.

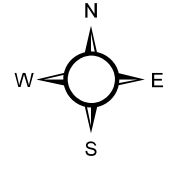
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Tim Helms, Mayor

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Angela Murphy, Town Clerk

# Town of Montreat North Carolina Official Zoning Map, 2018

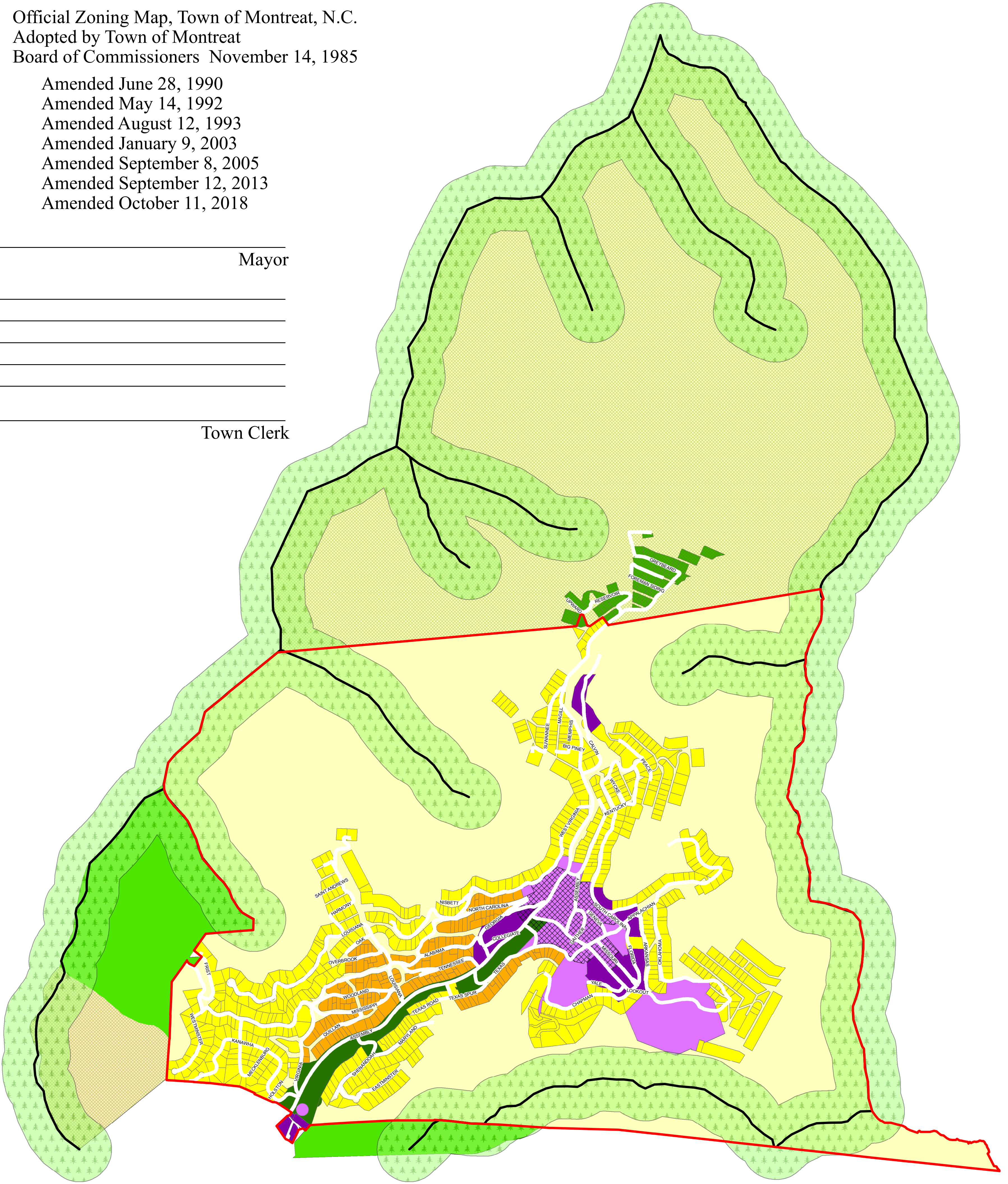


Official Zoning Map, Town of Montreat, N.C.  
Adopted by Town of Montreat  
Board of Commissioners November 14, 1985















Amended June 28, 1990  
Amended May 14, 1992  
Amended August 12, 1993  
Amended January 9, 2003  
Amended September 8, 2005  
Amended September 12, 2013  
Amended October 11, 2018

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Town Clerk



### Legend

- |   |  |   |                                      |
|---|--|---|--------------------------------------|
|  | (R-1) Low Density Residential District   |  | Mountain Ridge                       |
|  | (R-2) Medium-Density Residential         |  | Streets                              |
|  | (R-3) *Low-Density Residential           |  | Corporate Limits                     |
|  | (I) Institutional District               |  | Ridge Protection Overlay (RPO)       |
|  | (I/R) Institutional/Residential District |  | Extra Territorial Jurisdiction (ETJ) |
|  | Woodland District                        |  | Montreat Parcels                     |
|  | Conservation District                    |  | Town Center Overlay                  |





# 2019 Town of Montreat Board of Commissioners Meeting Calendar

**January 2019**

S	M	T	W	R	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

**February 2019**

S	M	T	W	R	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

**March 2019**

S	M	T	W	R	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

**April 2019**

S	M	T	W	R	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

**May 2019**

S	M	T	W	R	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

**June 2019**

S	M	T	W	R	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

**July 2019**

S	M	T	W	R	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**August 2019**

S	M	T	W	R	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**September 2019**

S	M	T	W	R	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

**October 2019**

S	M	T	W	R	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

**November 2019**

S	M	T	W	R	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

**December 2019**

S	M	T	W	R	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

<b>Town Council Meetings</b>	<b>Agenda Item Deadlines</b>	<b>Town Services Office Closed</b>	
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\*Adoption of this calendar does not preclude a call for any additional meetings at the Board's discretion with appropriate public notice\*



## Resolution 18-12-002 of Heartfelt Appreciation

Whereas Mike Morse has served the Mountain Retreat Association with distinction since April 8, 2005;

Whereas Mike has demonstrated vision and leadership, faith, good humor, and an incredible work ethic, and proved to be a valuable contributor time and again to the MRA's ministry and to community life in Montreat;

Whereas Mike has hosted hundreds of thousands of visitors, greeting friend and stranger alike with a heartfelt desire to provide the best possible example of Christian hospitality;

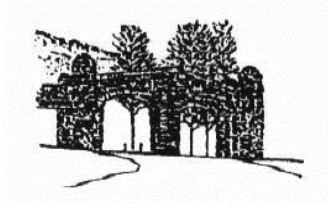
Whereas Mike has invested his expertise, energy, and heart in so many employees, colleagues, volunteers, and friends in Montreat and beyond (his creation of a partnership with the Swannanoa Correctional Center for Women being just one example of Mike's creative leadership leading to a new dimension of ministry here);

Whereas Mike's stewardship of the MRA's campus has helped to preserve Montreat's beauty and environmental resources, and his leadership of the renovation of Montreat's Assembly Inn in particular has generated resources to ensure the MRA's future ministry;

And for many other reasons too numerous to list;

Be it resolved that the Town of Montreat honors and is grateful to Mike Morse for his tireless commitment and outstanding service to the Mountain Retreat Association, and expresses its sincere appreciation for all of the ways Mike has enhanced our community.

Signed by the Mayor, Tim Helms



## TOWN OF MONTREAT

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

### ADMINISTRATIVE REPORTS: Town Administration

Town Administration report for the period beginning November 1 and ending November 30, 2018.

#### Monthly Statistics

Public Meetings	4
Inter-Organizational /Intergovernmental Meetings	4
Agendas Prepared	4
Minutes Transcribed	4
Resolutions Drafted	1
Public Records Requests Processed	0
Water Bills Processed	674
Leak Adjustments	20
New Water Accounts Established	3
Purchase Orders	105
Account Reconciliations	18
Professional Development Hours	2 1/2
Sunshine List Messages	8
Website Posts	7
Social Media Posts	0
Code Red Alerts	0
Workers Compensation Claims	0

#### Upcoming Events and Schedule Changes

- December 23rd and 24<sup>th</sup> – Closed for Christmas Holiday
- January 1<sup>st</sup> – Closed for New Year's Holiday
- January 21<sup>st</sup> - Closed in observation of Martin Luther King Jr's Birthday

#### Comments

- N/A

**Staff Communications**

-

Town of Montreat  
November 2018 Zoning & Building Inspections Report

Zoning/Building Permit Applications:

<u>Last Name</u>	<u>First Name</u>	<u>Montreat Address</u>	<u>Zoning Compliance Date</u>	<u>Permit #</u>	<u>Permit Date</u>	<u>Description</u>
The South Carolina Inn at Montreat King	Susan	400 South Carolina Terrace 131 John Knox Road	10/30/2018 10/31/2018	5434 5435	11/1/2018 11/1/2018	Replace Deck Retaining Wall
McCall	Robert	150 Mississippi Road	11/6/2018	5436	11/6/2018	Replace Deck
William Brown and Wynne	Mary Joe Clark Robert	218 Virginia Road 221 North Carolina Terrace	N/A 11/8/2018	5437 5438	11/7/2018 11/9/2018	Install Heat Pump New Stairwell
Denny	Timothy and Alison	407 West Virginia Terrace	N/A	5439	11/14/2018	Upgrade Service
Gramling	Mari	216 Alabama Terrace	N/A	5440	10/26/2018	Interior Remodel

ZONING ACTIVITY

<u>Zoning Permit Applications:</u>	7
<u>Variance/Interpretation Requests:</u>	1
<u>Conditional Use Requests:</u>	2
<u>Permit Extensions Requested:</u>	None
<u>Sign Permit Applications:</u>	None
<u>Violations Reported:</u>	1

BUILDING INSPECTIONS

<u>Building Permit Applications:</u>	10
<u>Building Inspections Requested:</u>	13
<u>Re-inspections Requested/Required:</u>	2
<u>Fire Inspections Requested/Required:</u>	None
<u>Fire Permit Applications:</u>	None

Totals

<u>Approved Zoning Permits:</u>	4
<u>Denied Zoning Permits:</u>	0
<u>Pending Zoning Permits:</u>	3
<u>Variance/Interpretation Granted:</u>	1
<u>Conditional Use Permits Granted:</u>	1
<u>Permit Extensions Granted:</u>	None
<u>Sign Permits Issued:</u>	0
<u>Notice of Violation (NOV):</u>	None

Totals

<u>Building Permits Issued:</u>	7
<u>Pending Building Permits:</u>	3
<u>Building Inspections Performed:</u>	13
<u>*Stop Work Order Issued:</u>	None
<u>**Defective Building Posted:</u>	None
<u>Denied Building Permits</u>	None
<u>Fire Inspections Performed:</u>	None
<u>Fire Re-Inspections Performed:</u>	None
<u>Fire Permits Issued:</u>	None



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### ADMINISTRATIVE REPORTS: POLICE

October 30<sup>th</sup> – 31<sup>st</sup> are reflected in this report

#### Monthly Statistics

<b><u>MONTHLY POLICE STATISTICS REPORT</u></b>					
<b>November</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>
Mileage	2505	2673	2800	3239	2734
Dispatched Calls	76	50	93	84	66
Officer-Initiated Calls	543	518	316	208	187
Fire/EMS Assistance Calls	7F	1F/1EM S	10F/6E	9F/4E	5F 1E
Motorist/Other Assistance Calls	57	66	64	44	40
Traffic Stops	26	30	21	25/55CP	47
Parking Issues	1	9	6	7	2
Burglar/Fire Alarm Responses	3B/5F	0	2B/1F	1B	2B 1F
Residential/Building Checks	239	278	245	228	248
Ordinance violations	1	13	3	8	7
LE Agency Assistance Calls	19	7	3	13	22
Animal Calls	1	1	3	6	2
Larcenies	0	0	1	0	1
B&E Calls	0	0	0	0	0
Suspicious Person/Vehicle Investigations	3P/5V	1P/15V	7P/11V	6P/18V	22V 11P
Disturbance Calls	17	4	4	3	4
Accident Responses	0	1	1	0	0
Auxiliary Hours Worked	40R/68T	32R/112 T	32R/36T	32R/12T	32R 38/T
Truck turns at gate	6	6	1	1	0

#### Comments

- Town service: 476
- MRA service: 165
- College service: 8

- November has come and gone with very little incident. A lackluster leaf season quelled some of our seasonal traffic, whereas Thanksgiving saw a lot of people in Town.
- Of particular instance this month, the hiring of a new full time police officer. We are pleased to welcome Kaila Gant as the newest member of the Department.
- On behalf of the Officers, and myself; we would like to wish everyone a Merry Christmas and a Happy New Year.



## TOWN OF MONTREAT

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### **ADMINISTRATIVE REPORTS: Water and Public Works**

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Water and Public Works report for the period beginning on November 1, 2018 and ending November 30, 2018.

#### **Monthly Statistics**

Calls for Service	23
Water Leaks Repaired	0
New Water Lines Installed	0
Meters Read	674
Meter Replacements	0
Water Produced	3,482,300 gal
Hours Pumped (11 wells combined total )	1781 hrs

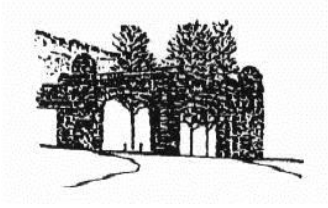
#### **Comments**

- We have received our Authorization to Construct for Texas Road Waterline Project. We are putting the project out to bid, so we hope to have a contractor very soon.
- The repairs to Well 2 are almost complete.

#### **Staff Communications**

- Again I hope everyone has a safe and blessed Christmas and New Year's Holiday.





## TOWN OF MONTREAT

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### ADMINISTRATIVE REPORTS: SANITATION

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Sanitation report for the period beginning 11/5/18 and ending 11/29/18.

#### Monthly Statistics

Curbside Trash Collected (tons)	21.88
Curbside Recycling Collected (tons)	4.65
Diversion Rate	0.18
Pay-As-You-Throw Trash Collected (bags)	44
Pay-As-You-Throw Recycling Collected (bags)	29
Unique Curbside Stops	1445
Bagged Leaf Pickup (bags)	676
Brush Pickup (cubic yards)	66.37
Hauling Fees (dollars)	\$1,669.00
Tipping Fees (dollars)	\$840.86 (Oct.)
Dumpster Rental Fees(dollars)	\$840.86
Contracted Employee (staff hours)	82.5
Fuel (dollars)	\$356.96

#### Events and Schedule Changes

- Bagged leaf pickup will return to the every-other-week schedule beginning January.

#### Comments

- N/A

#### Staff Communications

- Please remember to tie your trash bags before setting them out for curbside pickup.



## TOWN OF MONTREAT

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### ADMINISTRATIVE REPORTS:

## STREETS

---

Streets report for the period beginning on November 1, 2018 and end November 30, 2018 .

#### Monthly Statistics

Roads Maintained	15.12
New Roads Added	0
Sand Applied	0
Ice Melt Applied	0
Trees Removed	0

#### Comments

- We have contractors preparing Frist Road, Calvin Trail and Texas Road for paving.
- Paving should begin on these roads the week of the 10th of December.

#### Staff Communications

- Please keep a watchful eye out for contractors and our crew while the repairs are being made.
- On behalf of the crew and myself I would like to wish everyone a Merry Christmas and a Happy New Year.



## Town of Montreat

P.O. Box 423, Montreat, North Carolina 28757

Phone: (828) 669-8002 • Fax: (828) 669-3810

### MEMORANDUM: CHANGES TO RULES OF PROCEDURE

TO: MONTREAT BOARD OF COMMISSIONERS  
FROM: ALEX CARMICHAEL, TOWN ADMINISTRATOR  
SUBJECT: CHANGES TO RULES OF PROCEDURE  
DATE: DECEMBER 13, 2018

---

**Background:** At the November 8<sup>th</sup>, 2018 Board of Commissioners meeting the Board considered proposed changes to the Rules of Procedures that would eliminate topical limitations to the public comment periods during regular Commission meetings. The rules limit public comment during the first period to ‘items on the agenda,’ and during the second period to ‘items not on the agenda.’ The proposed change would keep both periods but would allow for discussion of any topic at either time.

**Updates:** After debating the changes, the majority of the Commission members present (3/1) voted in favor of the change. However, *Rule 32-Amendment of the Rules* (attached), requires “an affirmative vote equal or greater than two-thirds of all the actual membership of the Board, excluding any vacant seats and not including the Mayor.”

**Considerations:** In order for a change to the Rules of Procedure to pass, an affirmative vote equal or greater than two-thirds of all the actual membership of the Board is required. Two-thirds of the membership of the Board not including the Mayor equals 3.33 members, which rounds to 4. Without an affirmative vote of 4 Commission Members, regardless of the number in attendance, the motion to amend the rule will fail.

JAC

- A. Any individual or group who wishes to have an item of business placed on the agenda for the agenda or regular meeting of the Board shall make a written request to the Town Clerk. The Board shall determine at the meeting whether it will hear the individual or group. The time limit for any individual or representative of a group addressing the Board shall be three minutes, unless a majority of the Board agrees to additional time. Public comments will be heard at the end of the meeting for items not on the agenda.
- B. Commissioners are not expected to comment on matters brought to the Board during this time, but to delay action or comment until the Town staff has had an opportunity to research the subject matter and report any necessary and relevant information to all Board members.

**Rule 6. Public Comments**

- A. Public comments will be heard at the beginning **and ending** of the meeting for **any and all items.** ~~items on the agenda.~~ Any individual speaking during the public comment period shall address the entire Board and any polling of the Commissioners is inappropriate for public comment.
- B. The time limit for any individual or representative of a group addressing the Board shall be three minutes, unless a majority of the Board agrees to additional time.
- C. Commissioners are not expected to comment on matters brought to the Board during this time, but to delay action or comment until the Town staff has had an opportunity to research the subject matter and report any necessary and relevant information to all Board members.

**Rule 7. Order of Business**

**II. Regular Meeting**

- A. Items shall be placed on the agenda according to the "Order of Business." The Order of Business for each regular meeting shall be as follows:

- Welcome
  - Pledge of Allegiance and Invocation
  - Discussion and Adoption of Agenda
  - Public Hearings (as needed or required by law)
  - Presentations to Council (as needed)
  - Mayor's Communications
  - Consent Agenda
  - Town Administrator's Communications
  - Administrative Reports
  - Public Comment ~~for items on Agenda~~
  - Old Business
  - New Business
  - Public Comment ~~for items not on Agenda~~
  - Commissioner Communications
  - Closed Session (as permitted by law) – optional
  - Return to open session and adjourn or continue
- B. However, by general consent of the Board, items may be considered out of this order. No item during the Town Administrator's report shall be given that requires a vote at that time, unless the Board has added said item to the agenda.
- C. Board approval to follow the meeting agenda automatically approves the Consent Agenda and approval of the minutes.
- D. Any attachment to the minutes must be approved by a vote of the Commissioners.
- E. The meeting shall generally be limited to one and one-half hours.

**Rule 8. Office of the Mayor**

- A. The Mayor shall preside at the meetings of the Board. A member must be recognized by the Mayor in order to address the Board. The Mayor shall have the following powers:

administrative or advisory functions. However, the Law's requirements shall not apply solely to a meeting of the Town's professional staff.

**Rule 32. Amendment of the Rules**

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment(s) of the Rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the Town Charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal or greater than two-thirds of all the actual membership of the Board, excluding any vacant seats and not including the Mayor.

**Rule 33. References**

- A. Suggested Rules of Procedure for a City Council, third edition by A. Fleming Bell, II is the source for these rules of procedure.
- B. To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Board shall refer to Robert's Rules of Order for unresolved procedural questions.

**Effective Date**

This document shall become effective upon its adoption.

TOWN OF MONTREAT POLICE OFFICER  
OATH OF OFFICE

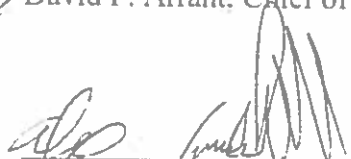
"I, Kaila Belit Gant, do solemnly swear (or affirm) that I will be alert and vigilant to enforce the criminal laws of the State; that I will not be influenced in any manner on account of personal bias or prejudice; that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully and impartially discharge and execute the duties of my office as a law enforcement officer according to the best of my skill, abilities and judgment, so help me God."

This is 30<sup>th</sup> day of November, 2018.

  
Kaila Belit Gant

  
Tim Helms, Mayor

Witness:   
David P. Arrant, Chief of Police

Witness:   
Alex Carmichael, Town Administrator



TOWN OF MONTREAT

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**BOARD OF COMMISSIONERS &  
ADVISORY BOARD/COMMITTEE MEMBERSHIP APPLICATION**

Full Legal Name: DEAN Daniel Blue  
(Last) (First) (Middle)  
Physical Address: 337 Chapman Road, Montreat, NC 28757  
Mailing Address: P.O. Box 222, Montreat, NC 28757  
Home Phone: 828-669-7584 Alternate Phone: 910-280-0215  
Email Contact Information: tyming@charter.net

On which Board or Committee do you wish to serve?

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

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

I was recently made aware of a vacancy on this Commission and was encouraged to apply. I have both an interest and experience in real estate matters, including planning and zoning. I also have an interest in contributing to the life of my new home 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) New Town Hall and Texas Road Bridge. (2) Positive relationships among all Montreat entities and its residents. (3) Ongoing review and modification, if appropriate, of Town ordinances, rules and regulations, specifically including planning and zoning rules and regulations. I believe that my past experience will enable me to assist this Commission as it addresses Issue #3, as necessary.

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

Prior to my recent retirement, I was a NC attorney in a small town. One of my specific areas of interest, expertise and practice was real property law. Over the years, I represented many clients before the Planning + Zoning Commissions and Town Councils of area towns regarding support for and opposition to zoning matters.



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

How much time are you able to devote to fulfill this obligation? As much time as necessary.

## Angela Murphy

---

**From:** noreply@townofmontreat.org  
**Sent:** Tuesday, December 04, 2018 11:35 AM  
**To:** Info  
**Subject:** New submission from Board Application Form

### Full Legal Name

Bluford Bradford Hestir

### Physical Address

192 Mississippi Rd

Montreat, NC 28757-0100

United States

Map It <<http://maps.google.com/maps?q=192+Mississippi+Rd+Montreat%2C+NC+28757-0100+United+States>>

Same as Mailing Address?

No

### Mailing Address

PO Box 100

Montreat, NC 28757-0100

United States

Map It <<http://maps.google.com/maps?q=PO+Box+100+Montreat%2C+NC+28757-0100+United+States>>

Phone

(828) 357-5009

Email

brad.hestir@gmail.com <<mailto:brad.hestir@gmail.com>>

On Which Committee Would You Like to Serve?

Other

Please Explain Why You Wish to Join This Committee

I am applying to serve the community on the Tree Board. I think that it is essential that people take a proactive approach with respect to our impact upon the environment as we utilize natural resources and enjoy natural beauty around us. I have attended as a citizen Tree Board meetings regularly for several months and felt that it is time that I step up and try to make a contribution. I have also attended a number of Land Care committee meetings and volunteered over the summer at the MRA nature center. I therefore have some concept of how Tree Board work fits with the broader picture of environmentally related activities in the cove.

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:

Every human being is impacted by climate change and becoming more conscious in our response to related challenges is critical for human well being and even survival. From this perspective there is only one important issue. Within that picture I would mention water flow, changing mix of plant species, and the danger and potential benefit of fire to the forest and its inhabitants. Trees occupy a central place and in my view the Tree Board is key to the Montreal community's management of this resource. A health forrest helps retain soils and prevents flooding. A burned hillside is vulnerable to landslide. I have seen early photos of the cove in which only one or two trees were visible - a consequence of earlier clear-cutting. I don't know how many times this has occurred, but it points to the fact that this forest is not original, nor is it entirely natural. In the available space. I can only sum it up by saying that I see the Tree Board's work as key.

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

Mostly, I will have to say the main thing that I would bring to the board is interest as indicated above, I believe that the work of the Tree Board plays an important one in responding to specific environmental challenges, developing and managing community resources for addressing the issues, providing input for consideration by the Town Council, and facilitating the development of a shared community vision. I lack specific technical skills and training in, for example,

biological sciences, but I have the ability to look at the larger picture and envision more specific issues and solutions. I have more often worked with groups toward common goals, so I feel that I would do well with the board.

Have you ever attended a regularly scheduled meeting of the selected board/committee?

Yes

How much time are you able to devote to fulfill this obligation?

I can't say in hours, but if I am selected to serve on the board, it would be a top priority.



TOWN OF MONTREAT

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[www.townofmontreat.org](http://www.townofmontreat.org)

**BOARD OF COMMISSIONERS &  
ADVISORY BOARD/COMMITTEE MEMBERSHIP APPLICATION**

Full Legal Name: Vinson Jennie Ann  
(Last) (First) (Middle)  
Physical Address: 136 Quillan Lane  
Mailing Address: PO Box 699, Montreat, NC 28757  
Home Phone: 828-669-2975 Alternate Phone: \_\_\_\_\_  
Email Contact Information: momevinson@bellsouth.net

On which Board or Committee do you wish to serve?

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

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

Have been a member of the board since its inception. Would like to continue to pursue many ideas of the board members and to continue with the inventory taking of the town's trees

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:

need to continue tree inventory for at-risk trees; continue offering educational opportunities for the community; continue to participate in the various Eco Structure initiatives of the community

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

good organizational and writing skills

Have you ever attended a regularly scheduled meeting of the selected board/committee? yes!!

How much time are you able to devote to fulfill this obligation? as much as needed.



TOWN OF MONTREAT

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**BOARD OF COMMISSIONERS &  
ADVISORY BOARD/COMMITTEE MEMBERSHIP APPLICATION**

Full Legal Name: Ray Margaret Whitton  
(Last) (First) (Middle)

Physical Address: 507 Greybeard Trail

Mailing Address: P.O. Box 203

Home Phone: 828-669-9238 Alternate Phone: 828-242-7773

Email Contact Information: 2619sherwood@gmail.com

On which Board or Committee do you wish to serve?

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

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

I care about <sup>maintaining</sup> our green infrastructure in as many ways as possible.

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) Continuation of Tree Inventory (grants + implementation)
- 2) continued co-operation with Landcare projects
- 3) continued education of community about the importance of tree planning & opportunities for service.

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

- . Biology background
- . Past years on Landcare
- . Past years on Tree

Have you ever attended a regularly scheduled meeting of the selected board/committee? yes

How much time are you able to devote to fulfill this obligation? as needed

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

**Meeting Date:** December 13, 2018

**SUBJECT:** Zoning Ordinance Review

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** G  
**Department:** Zoning  
**Contact:** Adrienne Isenhower  
**Presenter:** Adrienne Isenhower

**BRIEF SUMMARY:**

The Montreat Board of Commissioners asked staff to consider a process to review the Zoning Ordinance for identifying opportunities to simplify development regulations. The Ordinance itself established the Planning and Zoning Commission and imbued it with the power and duty to "...establish principles and polies for guiding action in the development of the area," and to "...prepare and recommend to the Town Board of Commissioners ordinances promoting orderly development along the lines indicated in the comprehensive plan" (Article XI – Planning and Zoning Commission, Town of Montreat Zoning Ordinance, Revised June 12, 2014.)

Staff proposes that the Planning and Zoning Commission hold a series of meetings to review, take public input, and make recommendations on the Zoning Ordinance in its entirety. Staff proposes seven meetings over as many months, beginning with a broad -based input session and a discussion of the organization and process of the review, then five section-by-section review meetings, and ending with a final report that includes a summary of input and recommendations. This report would then be presented to the Commission for review and action.

Staff recommends that the Planning and Zoning Commission review the Zoning Ordinance through the following draft schedule:

January 17, 2019:	Open-Ended Public Input Session
February 21, 2019:	General Provisions Definitions
March 21, 2019:	Parking and Loading Signs Definitions
April 18, 2019:	Zoning District Regulations Purpose Definitions

May 16, 2019: Zoning District Regulations  
Definitions

June 20, 2019: Conditional Uses  
Planning and Zoning  
Board of Adjustment

July 18, 2019: Recommendations and Report

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

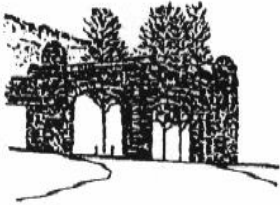
To direct the Planning and Zoning Committee to review the provisions of the zoning ordinance throughout a seven meeting process, beginning in January 2019 and to provide recommendations from their review to the Board of Commissioners at the August 2019 regular meeting.

**FUNDING SOURCE:** N/A

**ATTACHMENTS:** N/A

**STAFF COMMENTS AND RECOMMENDATIONS:**

Staff recommends the Montreat Board of Commissioners refer to the Planning and Zoning Commission a review of the Montreat Zoning Ordinance for simplification of development ordinances.



## Town of Montreat

P.O. Box 423, Montreat, North Carolina 28757

Phone: (828) 669-8002 • Fax: (828) 669-3810

### MEMORANDUM: CHANGES TO MUNICIPAL ELECTION CYCLE

TO: MONTREAT BOARD OF COMMISSIONERS  
FROM: ALEX CARMICHAEL, TOWN ADMINISTRATOR  
SUBJECT: CHANGES TO MUNICIPAL ELECTION CYCLE  
DATE: OCTOBER 4, 2018

---

**Background:** In the Summer of 2018 the North Carolina General Assembly (NCGA) passed Session Law 2018-123 which, among other things, moved the Asheville City Council election from an odd year cycle to an even year cycle. The law also lengthened the terms of the current City Council members to meet the new schedule.

Asheville is the largest municipality in Buncombe County. Removing Asheville from the odd year cycle forces other municipalities to consider if they wish to bear the costs of odd year elections without the Asheville, or to change their elections to even years as well. The Buncombe County delegation to the NCGA has offered to draft legislation to make such a change for municipalities who wish to do so.

**Updates:** Staff reached out to Black Mountain, Biltmore Forest, Woodfin, Representative John Ager, and the Buncombe County Board of Elections. Black Mountain and Biltmore Forest are preparing information for their councils to review, but no resolutions have been adopted yet. They have committed to sharing those documents once they are available.

Rep. Ager stated that a resolution is helpful, but not necessary so long as he knows what is desired. If the Commission wishes to change the election cycle staff recommends proceeding by resolution none-the-less. The NCGA will not begin working on the issue until they are back in session in January, so there is time. However, there are four considerations that the Board should weigh:

#### **Considerations:**

1. Costs: In the last ten years the Town of Montreat has paid an average of \$4,089.54 per election. In the last two years that average has been \$5,596.44. The table below outlines the Town's elections costs since 2008.



4/6/2018	\$4,349.50
4/28/2016	\$6,843.37
4/2/2014	\$4,410.34
2/15/2012	\$4,533.59
2/2/2010	\$3,184.01
5/23/2008	\$1,216.43

Questions to ask include: How much would Montreat spend if it were operating elections on its own? How much would Montreat spend if it changed its election cycle to match Asheville's?

The Buncombe County Board of Elections estimates a net decrease in costs for either model. Too many variables are undetermined at this time, but it appears that if Montreat makes no change costs would decrease by between 30% and 50%. However, if Montreat moves to an even year election cycle costs could decrease by as much as 75%.

2. Partisanship: Generally speaking, elections that match presidential election cycles are more partisan in nature. Odd year elections have been a tool for preserving the nonpartisan nature of the offices of the Commission.
3. Participation: Turnout is greater when there are higher offices, such as the President, Governor, or Senator on the ballot. Moving to an even year cycle may not necessarily equate to greater voter participation in municipal elections, however. The Buncombe County Board of Elections has cautioned that if municipalities do move to even year elections their races will come at the end of very full ballots. This may lead to "under vote," a phenomenon where voter turnout is high, but voters skip 'back of the ballot' races. There is no local data to help predict if Buncombe County voters would participate in local races at different levels.
4. Length of Terms: In order to change Montreat's election cycle from even year to odd years the length of current Commission terms will have to be either elongated, or special elections would have to be held to fill the one-year gap. In 2019 three offices are scheduled for elections: The Mayor and two Commissioners. Additionally, Commission seats slated for elections in 2021 would have to be addressed. Given that the NCGA has opted to elongate the terms of the Asheville City Council it seems likely that the same approach would be applied here.

JAC



## Town of Montreat

P.O. Box 423, Montreat, North Carolina 28757

Phone: (828) 669-8002 • Fax: (828) 669-3810

### MEMORANDUM: CHANGES TO MUNICIPAL ELECTION CYCLE

TO: MONTREAT BOARD OF COMMISSIONERS  
FROM: ALEX CARMICHAEL, TOWN ADMINISTRATOR  
SUBJECT: CHANGES TO MUNICIPAL ELECTION CYCLE  
DATE: DECEMBER 13, 2018

---

**Background:** At the October 11<sup>th</sup>, 2018 Board of Commissioners meeting staff presented a memo on issues related to even-year elections, versus odd year elections. As you recall, the North Carolina General Assembly (NCGA) passed a bill moving the City of Asheville's municipal elections to even years, causing other Buncombe County municipalities to consider if they wish to bear the costs of odd year elections without Asheville or to change their elections to even years. The Buncombe County delegation to the NCGA asked local municipalities to consider that option before the 2019 legislative session.

The Montreat Board of Commissioners directed staff to wait and see what decision the other municipalities in the County make to better gauge budgetary impacts.

**Updates:** As of November 30<sup>th</sup>, Biltmore Forest, Black Mountain, and Weaverville, have all passed resolutions asking the NCGA to change their municipal elections to even years (attached). The Town of Woodfin has not responded to our requests for information. With Asheville's pending change to even-year elections, Montreat, and potentially Woodfin, remain the last municipalities in the County that have not seen legislative requests or action.

**Considerations:** The North Carolina General Assembly convenes its biennium legislative session on January 9, 2019. Our local delegation has asked that any request for legislation to alter the municipal election cycle be received prior to the session beginning. The last regular meeting of the Montreat Board of Commissioners before that time is the December 13<sup>th</sup> meeting. Unless a special meeting is called on the issue, the Board of Commissioners will need to decide whether to request such a change or not at the December meeting.

JAC

# TOWN OF BLACK MOUNTAIN

160 Midland Avenue  
Black Mountain, NC 28711



BoA Regular Session  
November 19, 2018  
Agenda Item 7C

## RESOLUTION #R-18-24

### RESOLUTION OF THE BOARD OF ALDERMEN IN SUPPORT OF EVEN YEAR ELECTIONS

**WHEREAS**, Session Law 2018-123 of the North Carolina General Assembly revised the charter for the City of Asheville to provide for the election of city council members from districts and to provide for the creation of those districts and to provide for even-year municipal elections; and

**WHEREAS**, the Board of Aldermen of the Town of Black Mountain recognizes the advantages of maintaining uniformity in election cycles for municipal elections within a county; and

**WHEREAS**, there are potential cost savings for elections conducted for the Town of Black Mountain if municipal elections are moved to an even-year election cycle; and

**WHEREAS**, the Board of Aldermen of the Town of Black Mountain desires to create efficiency for voters during election cycles by reducing costs and creating a more streamlined election process; and

**NOW THEREFORE, BE IT RESOLVED** by the Board of Aldermen of the Town of Black Mountain as follows:

That the Town hereby requests its local delegation in the North Carolina General Assembly draft and introduce a bill moving the municipal elections for the Town of Black Mountain from odd-year elections to even-year elections, provided that the following provisions are met:

No regular election shall be conducted in the Town of Black Mountain in 2019. The terms of Board of Aldermen members elected in 2015 shall be extended until 2020 and the terms of the Mayor and Board of Aldermen members elected in 2017 shall be extended until 2022.

Elections for Mayor and Board of Aldermen shall continue to be held on a nonpartisan basis.

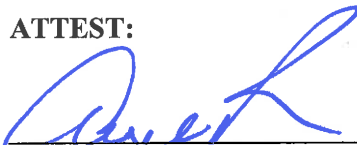
Three Aldermen shall be elected every four (4) years beginning in 2020, and the Mayor and two Aldermen shall be elected every four (4) years beginning in 2022, consistent with an amendment to the Town Charter requested and approved by the Town of Black Mountain Board of Aldermen on November 19, 2018, effectively adding one year to the term of presently sitting members of


the Board of Aldermen and the Mayor. Elections shall be held in even- numbered years on the Tuesday after the first Monday in November, beginning in 2020 and occurring every two (2) years thereafter.

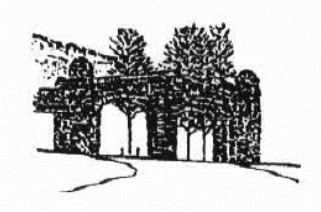
**READ, APPROVED AND ADOPTED** by a vote of 3 to 1 this 19<sup>th</sup> day of November, 2018 with Alderman Ryan Stone opposing.

  
\_\_\_\_\_  
Don Collins, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Angela Reece, Town Clerk

  
\_\_\_\_\_  
Josh Harrold, Town Manager



## TOWN OF MONTREAT

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P. O. Box 423  
Montreat, NC 28757  
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www.townofmontreat.org

### **RESOLUTION #18-12-001**

#### **RESOLUTION OF THE BOARD OF COMMISSIONERS IN SUPPORT OF EVEN YEAR ELECTIONS**

**WHEREAS**, Session Law 2018-123 of the North Carolina General Assembly revised the charter for the City of Asheville to provide for the election of city council members from districts and to provide for the creation of those districts and to provide for even-year municipal elections; and

**WHEREAS**, the Board of Commissioners of the Town of Montreat recognizes the need to maintain uniformity in election cycles for municipal elections within a county; and

**WHEREAS**, there are potential cost increases for elections conducted for the Town of Montreat due to the City of Asheville's municipal elections being moved to an even-year election cycle; and

**WHEREAS**, the Board of Commissioners of the Town of Montreat desires to create efficiency for voters during election cycles by eliminating additional and burdensome costs and creating a more streamlined election process; and

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Montreat, that the Town hereby requests its local delegation in the North Carolina General Assembly draft and introduce a bill moving the municipal elections for the Town of Montreat from odd- year elections to even-year elections.

**READ, APPROVED AND ADOPTED** by a vote of \_\_ to \_\_ this 13<sup>th</sup> day of December, 2018.

---

Tim Helms, Mayor

**ATTEST:**

---

Angie Murphy, Town Clerk

---

Alex Carmichael, Town Manager



**TOWN OF MONTREAT**

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**RESOLUTION #18-12-001**

**RESOLUTION OF THE BOARD OF COMMISSIONERS  
IN SUPPORT OF EVEN YEAR ELECTIONS**

**WHEREAS**, Session Law 2018-123 of the North Carolina General Assembly revised the charter for the City of Asheville to provide for the election of city council members from districts and to provide for the creation of those districts and to provide for even-year municipal elections; and

**WHEREAS**, the Board of Commissioners of the Town of Montreat recognizes the need to maintain uniformity in election cycles for municipal elections within a county; and

**WHEREAS**, there are potential cost increases for elections conducted for the Town of Montreat due to the City of Asheville's municipal elections being moved to an even-year election cycle; and

**WHEREAS**, the Board of Commissioners of the Town of Montreat desires to create efficiency for voters during election cycles by eliminating additional and burdensome costs and creating a more streamlined election process; and

**WHEREAS**, the Board of Commissioners and Mayor currently serve four year terms on an odd year cycle; and

**—NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Montreat, that the Town hereby requests its local delegation in the North Carolina General Assembly draft and introduce a bill moving the municipal elections for the Town of Montreat from odd- year elections to even-year elections and terms of the current Board of Commissioners and Mayor be lengthened to the next scheduled election.

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**READ, APPROVED AND ADOPTED** by a vote of \_\_\_ to \_\_\_ this 13<sup>th</sup> day of December, 2018.

\_\_\_\_\_  
Tim Helms, Mayor

**ATTEST:**

\_\_\_\_\_  
Angie Murphy, Town Clerk

\_\_\_\_\_  
Alex Carmichael, Town Manager



STATE OF NORTH CAROLINA

CONTRACT OF PURCHASE AND SALE

COUNTY OF BUNCOMBE

**THIS CONTRACT OF PURCHASE AND SALE** (the “Contract”) is made and entered into this \_\_\_\_ day of December, 2018, said date being the latter date by which this Contract has been signed by both Purchaser and Seller, (the “Effective Date”) by and between TOWN OF MONTREAT, a North Carolina municipal corporation (“Seller” or “Town”) and WILLIAM DEAN BUNCE II and GAIL ELIZABETH BUNCE, residents of Wake County, North Carolina (“Purchaser”).

In accordance with North Carolina General Statute Section 160A-269, Purchaser submitted to the Town an upset bid to a negotiated offer for the purchase of the Property. The Town published a notice of the upset bid and the deadline for raising the bid passed on November 5, 2018.

For valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge, the Purchaser offers to purchase and the Seller upon acceptance agrees to sell and convey the Property on the terms and conditions of this Contract and any addendum or modification made in accordance with the terms of this Contract.

1. **Purchase Price:** The purchase price (“Purchase Price”) for the Property shall be One Hundred Seventeen Thousand Five Hundred no/100 Dollars (\$117,500.00). The Purchase Price shall be payable as follows:

a. Pursuant to the terms of this Contract and subject to the upset bid process, Purchaser delivered a good faith deposit of five percent (5%) of the Purchase Price, in the amount of Five Thousand Eight Hundred Seventy-five and no/100 Dollars (\$5,875.00) (hereinafter referred to as the “Deposit”), in the form of a cashier’s check. All amounts paid by Purchaser as a Deposit for this Contract and all interest, if any, earned thereon shall be applied to the Purchase Price upon closing or retained by Seller upon Purchaser’s default as specified in the “Remedies” paragraph of this Contract.

b. The Purchaser shall pay the balance of the Purchase Price by wire transfer of funds at Closing or other immediately available funds paid at Closing.

2. **Property:** The Property is all that real property described below together with all appurtenances thereto including improvements located thereon:

BEING all of that 0.398 acre parcel shown as Tract 2 on the plat entitled “Survey for Town of Montreat” prepared by High Country Surveyors, Inc., and recorded in Plat Book 186 at Page 161 in the Buncombe County, North Carolina Public Registry. Being Lot 389 and a portion of Lot 388 as shown on the plat recorded in Plat Book 16 at Page 97 and being a portion of the property acquired by the Town of Montreat by deed recorded in Book 5159 at Page 190, Buncombe County Registry.

Buncombe County Tax Parcel Identification Number: 0720-16-4123.

3. **Purchaser's Due Diligence:** The Purchaser's Due Diligence Period shall begin on the Effective Date and extend through 5:00 p.m. EST on February 28, 2019, **TIME BEING OF THE ESSENCE** with regard to this date. During the Due Diligence Period, the Purchaser or his agents shall have the right to enter the Property for the purpose of preparing and conducting, at Purchaser's expense, surveys, tests, investigations and other assessments relating to the Property, including without limitation, soil tests and environmental investigations. The Purchaser shall, at Purchaser's expense, promptly repair any damage to the Property resulting from any activities of Purchaser and Purchaser's agents. This repair obligation shall survive any termination of this Contract.

Purchaser hereby indemnifies Seller against and holds Seller harmless from any loss, damages, costs, claims and expenses, including court costs and reasonable attorney's fees, arising out of or resulting from Purchaser's or Purchaser's agents', employees' or contractors' entry onto the Property, but specifically excluding pre-existing conditions discovered by Purchaser. Purchaser's indemnity set forth herein shall survive this Contract and any termination hereof.

Purchaser shall have the right to terminate this Contract for any reason or no reason by delivering to Seller written notice of termination during the Due Diligence Period, **TIME BEING OF THE ESSENCE**. Upon Purchaser's termination of this Contract, Seller shall retain the Deposit.

**CLOSING SHALL CONSTITUTE ACCEPTANCE OF THE PROPERTY IN ITS THEN EXISTING CONDITION.**

4. **Closing.** The completion of the transfer of title to the Property from Seller to Purchaser (the "Closing") shall occur on a date and at a time mutually agreeable to the parties, but if no date is agreed upon, then said date shall be the date that is thirty (30) days after the expiration of the Due Diligence Period (the "Closing Date"), at the offices of Purchaser's counsel, in Black Mountain or Asheville, North Carolina, or at such other place agreed upon by the parties.

At Closing, Seller shall execute and deliver to Purchaser (i) a **SPECIAL WARRANTY DEED** conveying fee simple marketable and insurable title to the Property, free and clear of all liens and encumbrances except *ad valorem* real property taxes for the calendar year of sale, if any (for which Purchaser shall be solely responsible), utility easements which do not materially limit use of the Property for a single family residential dwelling, and easements, restrictions and rights-of-way of record (collectively referred to herein as the "**Permitted Exceptions**"); (ii) an owner's affidavit in form reasonably acceptable to Purchaser and Purchaser's title insurer, if any, executed by Seller and any person or entity who has performed or furnished labor, services, materials or rental equipment as described in N.C.G.S. §44A-8 to the Property within 120 days prior to the Closing Date verifying that each such person or entity has been paid in full and otherwise sufficient for a title insurer to issue an owner's policy of title insurance to Purchaser in the amount of the Purchase Price, subject only to the Permitted Exceptions; and (iii) a FIRPTA affidavit in the form complying with the Internal Revenue Code of 1986, as amended.

5. **Closing Expenses.** At Closing, each party shall be responsible for the following closing expenses:

- a. Seller shall be responsible for the cost of preparation of the deed and other documents necessary to perform Seller's obligations under this Contract, and, if required, for state and county excise taxes. The deed is to be made to: \_\_\_\_\_  
William Dean Bunce, II, and Gail Elizabeth Bunce\_\_\_\_\_.
- b. Purchaser shall be responsible for all costs with respect to any survey, inspection, testing, appraisal, title search, title insurance, recording the deed and for preparation of other documents necessary to perform Purchaser's obligations under this Contract.
- c. Each party will be responsible for all of its other closing costs, including its respective attorneys' fees.

6. **Brokerage Commissions.** Purchaser and Seller each warrant to the other that no individual or representative of any brokerage firm has acted on its behalf pursuant to the Contract or in connection with the sale and purchase of the Property. Each party hereto shall indemnify and hold harmless the other from and against any loss or liability by reason of the breach by the indemnifying party of the foregoing warranty and representation.

7. **Time of the Essence and Cure Period.** Time is of the essence as to this Contract as well as the Due Diligence deadlines. In the event that any of the conditions or provisions of the Contract are not met or complied with within the time limits provided for herein, either party may give notice to the other party demanding that this Contract be performed within thirty (30) days from the date of said notice. In the event said demand is not complied with, the demanding party may, at its option, declare this contract null and void and of no further force and effect and avail itself of the remedies at law or in equity permitted said party in the paragraph entitled, "**Remedies.**"

8. **Remedies.** Subject to the notice and cure provision set forth in Section 7, in the event of a default by Purchaser under the terms of the Contract, Seller shall be entitled to terminate this Contract by giving written notice of termination to Purchaser, whereupon Seller shall retain the Deposit and shall be entitled to pursue other remedies available to it at law or equity. In the event of a default by Seller under the terms hereof, Purchaser shall be entitled to pursue against Seller, either an action for specific performance or any other remedies available to him at law or equity.

9. **Possession.** Unless otherwise provided herein, possession shall be delivered at Closing. No alterations, excavations, tree or vegetation removal or other such activities may be done before possession is delivered.

10. **Assignments.** This Contract may not be assigned without the written consent of all parties, but if assigned by agreement, then this Contract shall be binding on the assignee and assignee's heirs and successors.



shall remain in full force and effect and shall in no way be affected, impaired or invalidated. If, moreover, any one or more of the provisions contained in this Contract shall for any reason be determined by a Court of competent jurisdiction to be excessively broad as to duration, geographical scope, activity or subject, it shall be construed, by limiting or reducing it, so as to be enforceable to the extent compatible with the then applicable law.

IN WITNESS WHEREOF, the parties hereto have executed this Contract under seal as of the day and year first above written.

**PURCHASER:**

\_\_\_\_\_ (SEAL)

Name: William Dean Bunce, II

\_\_\_\_\_ (SEAL)

Name: Gail Elizabeth Bunce

**SELLER:**

**Town of Montreat,**  
a North Carolina municipal corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

[Corporate Seal]