

**Town of Montreat
Board of Commissioners Meeting Agenda – Public Forum
August 8, 2019 – 6:30 p.m.
Walkup Building**

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
August 8, 2019 – 7:00 p.m.
Walkup Building**

I. Call to Order

- Pledge of Allegiance
- Moment of Silence

II. Agenda Adoption

III. Mayor's Communications

IV. Consent Agenda

- A. Meeting Minutes Adoption
- July 11, 2019, Public Forum Minutes
 - July 11, 2019, Town Council Minutes

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

V. Town Administrator's Communications

- Consent Agenda Review
- Texas Road Bridge Report
- Other Items

VI. Administrative Reports

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

VII. Public Comment

Public comments will be heard during this period for any and all items.

VIII. Old Business

IX. New Business

A. Amendment to Montreat Police Department Firearms Policy

- **Presenter:** David Arrant, Chief of Police
- **Suggested Motion:** Move to approve/deny amendment of the Montreat Police Department Firearms Policy as presented.

B. Police Vehicle Radios

- **Presenter:** David Arrant, Chief of Police
- **Suggested Motion:** Move to approve/deny Contract #19-08-001 with Motorola Solutions in the amount of \$7,077.00 for two Remote Mount Mobile with required software and accessories as presented.

C. Resolution #19-08-001 To Close Portion of Unopened Right-of-Way on Virginia Road

- **Presenter:** Adrienne Isenhower, Zoning Administrator
- **Suggested Motion:** To adopt/deny Resolution #19-08-001 to close remaining unopened, platted unnamed right-of-way adjoining western margin of Virginia Road, Plat Book 16, Page 92.

D. Resolution #19-08-002 To Close Portion of Unopened Right-of-Way on Texas Road Ext

- **Presenter:** Adrienne Isenhower, Zoning Administrator
- **Suggested Motion:** To adopt/deny Resolution #19-08-002 to close remaining unopened, platted portion of Texas Road (Extended), Plat Book 29, Page 116.

XI. Public Comment

Public comments will be heard during this period for any and all items.

I. Commissioner Communications

II. Meeting Dates

Planning & Zoning Commission:

Thursday, August 15, 2019
Walkup Building
5:00 p.m.

Montreat Tree Board:

Tuesday, August 27, 2019
Town Services Building
9:30 a.m.

Board of Adjustment:

Thursday, August 29, 2019
Walkup Building
1:00 p.m.

Montreat Landcare:

Wednesday, September 4, 2019
Call or email Martha Campbell
9:00 a.m.

September Town Council Meeting:

Thursday, September 12, 2019
Walkup Building
7:00 p.m.
Public Forum begins at 6:30 p.m.

IV. Adjournment

**Town of Montreat
Board of Commissioners
Public Forum Meeting Minutes
July 11, 2019 – 7:00 p.m.
Walkup Building**

Board members present: Mayor Tim Helms
Mayor Pro Tem 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
Adrienne Isenhower, Zoning Administrator

Ten members of the public were present. Mayor Helms called the meeting to order at 6:30 p.m., and led the group in the pledge of allegiance and a moment of silence.

Agenda Approval

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

Public Forum

Mr. Harriss Ricks of 165 Oak Lane shared his concerns with Duke Power's use of chemical sprays to kill vegetation under power lines. Mr. Ricks has seen it in his own yard as well as other locations around Montreat. He had his own house put on a "no spray" list. Mr. Ricks expressed his concerns on not only the effects upon the beauty of Montreat, but also chemicals leaching into our clean streams and creeks.

Mrs. Mary Standaert of 118 Shenandoah Terrace asked follow-up questions regarding procedure on the election cycle. Her questions related to our local delegation of Senators' and House Members' actions during the process of the bill through the legislature.

Mr. Tom Frist of 98 Frist Road asked for an update on the Texas Road Bridge. Alex Carmichael shared that at tonight's meeting, the Council will be considering an agreement with an engineering firm to study the viability of the bridge being transformed from a vehicular bridge to a walking bridge. The study will also provide recommendations on what needs to be done to minimally do the conversion. As a second phase, the firm may be retained to consider aesthetic enhancements to the

bridge. But, we're focusing on the first phase to determine what needs to be done to simply convert it to a walking bridge.

Mr. Brad Hestir of 192 Mississippi Road reiterated Harriss Rick's concerns Harris Ricks' concern about Duke Power's spraying practices. Montreat is receiving notoriety for having an environmentally clean stream, and Duke Power's chemicals could easily affect Flat Creek's cleanliness.

Adjournment

Commissioner Gilliland moved to adjourn the meeting. Commissioner Widmer seconded and the motion carried 5/0. The meeting was adjourned at 6:52 p.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk

**Town of Montreat
Board of Commissioners
Meeting Minutes
July 11, 2019 – 7:00 p.m.
Walkup Building**

Board members present: Mayor Tim Helms
Mayor Pro Tem 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
Adrienne Isenhower, Zoning Administrator
Barry Creasman, Public Works Director
Darlene Carrasquillo, Finance Officer

Fifteen members of the public were present. Mayor Helms called the meeting to order at 7:01 p.m., and led the group in the pledge of allegiance and a moment of silence.

Agenda Approval

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

Mayor's Communications

Mayor Helms spoke of the success of the 4th of July parade and thanked the staff for their efforts in crowd control and public safety. Mayor Helms also gave a brief "State of the Town" report at the Cottagers meeting. Letta Jean Taylor wanted Mayor Helms to remind all of us to buy stamps from our own Montreat Post Office, even if you're going back to your permanent home elsewhere. Buying stamps in Montreat lets the post office authorities know the importance of our post office in Montreat.

Meeting Minutes Adoption

- June 13, 2019, Public Forum Minutes
- June 13, 2019, Town Council Minutes

Town Administrator's Communications

Mr. Carmichael stated that the 4th of July activities went off splendidly from a staff perspective. The Gate Gait had about 200 runners and was well coordinated and executed.

Administrative Reports

- Administration – This report was given in written format.
- Planning & Zoning – This report was given in written format.
- Police – This report was given in written format.
- Public Works and Water – This report was given in written format.
- Sanitation – This report was given in written format.
- Streets – This report was given in written format.

Public Comment

There was no public comment at this time.

Old Business

There was no old business to discuss.

New Business

- A. Appointment and Swearing in of Dan Cordell as Building Inspector: Commissioner Gilliland moved to approve Resolution #19-07-0002 appointing Dan Cordell as Building Inspector and ratifying builder inspection actions taken by Dan Cordell between July 1, 2017 and July 11, 2019. Mayor Pro Tem Otto seconded and the motion carried 5/0. Mayor Helms administered the Oath of Office to Dan Cordell.
- B. Public Works Building: Commissioner Fouché moved to approve purchase contract #19-07-001 with Great Western Buildings in the amount of \$53,823 for the purchase of engineered designs and materials for a Public Works building and authorize the Mayor to sign and execute said documents. Mayor Pro Tem Otto seconded the motion. Commissioner Widmer congratulated Mr. Carmichael and Mr. Creasman for all their hard work. Commissioner Widmer stated that both contracts on tonight's agenda regarding the Public Works Building came in way less than what was budgeted. _ The motion carried 5/0.
- C. Public Works Building, Concrete Floor: Mayor Pro Tem Otto moved to approve contract #19-07-008 with C&T Paving in the amount of \$69,762 for the construction of a concrete slab of a

Public Works building and authorize the Mayor to sign and execute said contract. Commissioner Widmer seconded and the motion carried 5/0.

- D. Public Works Truck Contract Approval: Commissioner Widmer moved to award purchase contract #19-07-003 to Ken Wilson Ford in the amount of \$37,419 for a 2019 Ford Ranger XLT and authorize the Mayor to sign and execute said contract. Commissioner Lentz seconded and the motion carried 5/0.
- E. Local Repaving and New Road Paving: Mr. Carmichael stated this would address Kentucky Road, Wyck Road and South Carolina Terrace Paving under Local Repaving and Lookout Road to Whitewater Cove Way and Texas Road Spur in its entirety under New Road Paving. Commissioner Fouche moved to approve contract #19-07-004 with C&T Paving in the amount of \$316,314.05 for FY 2019/2020 Local Road Repaving and New Road Paving, and authorizing the Mayor to sign and execute said contract. Mr. Carmichael asked to modify the quote to add a liquidated damages clause into the contract to require construction within 140 days. Commissioner Lentz seconded and the motion carried 5/0.
- F. Property Disposal: Public Works: Commissioner Lentz moved to approve Resolution #19-07-0001 Authorizing Property Disposal. Commissioner Gilliland seconded and the motion carried 5/0.
- G. Zoning Administration and Code Enforcement: Commissioner Gilliland moved to approve contract #19-07-005 with the Land of Sky Regional Council of Governments in the amount of \$54,810 to provide zoning administration and code enforcement technical assistance. Mayor Pro Tem Otto seconded the motion. Mr. Carmichael stated that this was an expanded contract of an existing contract that would move the two day a week position to a three day a week position. Mr. Carmichael stated that the work volume was too great for two days a week. The motion carried 5/0.
- H. Zoning Code Review: Mayor Pro Tem Otto moved to approve contract #19-07-006 with the Land of Sky Regional Council of Governments not to exceed \$36,540 to provide technical assistance for Zoning Code review. Commissioner Fouche seconded and the motion carried 5/0.
- I. Contract Approval for Texas Road Bridge Design: Mr. Carmichael explained this a design contract only. Commissioner Lentz moved to approve contract #19-07-007 with Mattern & Craig Inc. in the amount of \$22,000, for the phase 1 conversion of existing vehicular bridge to a pedestrian bridge on Texas Road, and to be broken into four separate steps and to require authorization from the Town to advance between steps. Commissioner Widmer seconded and the motion carried 5/0.

Public Comment

Mr. Tom Frist of 98 Frist Road stated he was having a hard time understanding why the Texas Road Bridge could not be used as a pedestrian bridge as it currently stands. Mayor Helms explained that the Town needs to avoid liabilities with the condemned bridge and the contract approved earlier this evening would accomplish that study. The purpose of the study is to tell the Town what needs to be done to make a safe and functional walking bridge.

Mrs. Mary Standaert of 118 Shenandoah Terrace thanked Commissioner Widmer for bringing attention to the ratification of the building inspections. Mrs. Standaert stated she was unsure how you ratify something in retrospect.

Mr. Wade Burns of 232 North Carolina Terrace suggested a way the Texas Road Bridge could be built depending upon what the study concludes.

Commissioner Communications

Commissioner Fouche asked Mr. Carmichael for an update on the mudslide on Suwanee Road caused by Tropical Storm Alberto. Mr. Carmichael stated that the town has been working on title searches to determine land ownership, talking to MRA (who owns one parcel) and the other land owners and investigating if part of the project would be covered by NC State grants like the other Alberto damage. He said he hopes work can begin sometime this year.

Meeting Dates

Planning & Zoning Commission:	CANCELLED for the month of July
Montreat Tree Board:	Tuesday, July 23, 2019 Town Services Building 9:30 a.m.
Montreat Landcare:	Wednesday, August 7, 2019 Environmental Education Classroom 9:00 a.m.
August Town Council Meeting	Thursday, August 8, 2019 Walkup Building 7:00 p.m. Public Forum begins at 6:30 p.m.
Planning & Zoning Commission:	Thursday, August 15, 2019 Location to be determined 5:00 p.m.

Board of Commissioners
Meeting Minutes
July 11, 2019

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 Gilliland seconded and the motion carried 5/0.

Upon returning to Open Session Commissioner Gilliland moved to allow Mr. Carmichael and Mr. Creasman to interview and hire for the position of Utility Maintenance Worker II and pay them appropriately based on current certifications. Commissioner Lentz seconded and the motion carried 5/0.

Adjournment

Commissioner Gilliland moved to adjourn the meeting. Commissioner Fouche seconded and the motion carried /0. The meeting was adjourned at 7:56 p.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk

Michael S. Agee
Steven A. Campbell
Randy W. Beckner
Bradley C. Craig
Wm. Thomas Austin
David P. Wilson
James B. Voso
Randy L. Dodson
Chad M. Thomas



Edwin K. Mattern, Jr. (1949-1982)
Gene R. Cress (1935-2014)
Sam H. McGhee, III (Retired)
Stewart W. Hubbell (Retired)
J. Wayne Craig (Retired)

July 11, 2019

Alex Carmichael
Town Administrator
Town of Montreat
P.O. Box 423
Montreat, NC 28757

RE: 3984 – Texas Road Bridge Assessment

Dear Alex,

On June 21, 2019, representatives of Mattern & Craig conducted a field evaluation of the existing bridge crossing Flat Creek on Texas Road in Montreat, North Carolina. It is our understanding that the Town desires to convert the existing bridge into a pedestrian bridge.

The purpose of the evaluation was to provide a visual inspection and evaluation/condition assessment of the bridge in order to investigate the feasibility of the conversion.

This preliminary report summarizes our findings from the field investigations and makes recommendations for the pedestrian bridge conversion so that it can safely support the required dead and live loads for pedestrian use. In addition, the report discusses the feasibility of making the proposed pedestrian structure ADA compliant.

Below is a summary of findings from the field evaluation. All observations were easily accessible from the ground.

General Condition of the Bridge

The bridge is located on Texas Road over Flat Creek. The bridge is a single span, eight (8) steel beam system supporting a treated timber deck with a 1½" asphalt wearing surface. The bridge beams are supported by two (2) post and beam style abutments with timber backwalls and wingwalls. The bridge span and width are 27'-6" and 21'-2" respectively with externally mounted rails (Figure 1). There is an aerial utility pipe located on the west side of the bridge and aerial utility lines cross the bridge diagonally (Figures 2 & 3).

Overall, the bridge superstructure is in good condition. The timber deck (Figures 4 & 5) displays signs of deterioration in the overhangs with vegetation starting to grow from within. Sections of the underside of the timber deck, between the girders, appear to be soft and could be easily pierced with a #4 rebar.

The steel beams appear to be structurally sound but exhibit corrosion throughout. The worst areas of

corrosion occur on the top flanges of steel beams (Figure 4). This is likely due to water penetration through the timber deck and loss of the protective paint/coating. The remainder of the steel beams exhibit light to medium rust.

The bridge substructure consists of a Post and Beam type timber system with timber lagging for the backwall and wingwalls (Figure 6). The primary substructure supporting members, the posts and beam, appear to be in good condition except for damage to two (2) posts (Figures 7 & 8). The damaged area is approximately 39" tall x 3" wide x 4" deep and 32" tall x 4" wide x 1" deep for the South and North Abutments respectively.

The earth retaining elements of the substructure consists of tied-back vertical posts with timber lagging (Figure 10 thru 13). As shown in the figures, there are numerous areas of the elements which illustrate deterioration of the timber lagging and vertical supporting elements. The majority of the issues are a result of water seepage (Figure 13). Based on previous observations by Mattern and Craig staff, this seepage can appear at any height along the lagging based on the current weather conditions and water table elevations. A #4 rebar was able to penetrate the lagging (up to ½" deep) without much effort in the area exhibiting prior seepage.

The lagging has been previously repaired in several areas (Figure 9). While these repairs succeed in stopping the loss of material behind the lagging, they do not prevent the water seepage issue from continuing (Figures 10 thru 12). In several sections, vegetation has started growing through the lagging which will accelerate the deterioration of the lagging.

The creek has shifted towards the North Abutment (Figure 6) resulting in the base of the substructure to be constantly underwater. This will increase the probability of deterioration in this abutment and could result in undermining of the substructure similar to the condition that exists at the adjacent utility foundation (Figure 14).

Short-Term Rehabilitation

Based on our review of existing information and our field visit, we have identified the following short-term rehabilitation items that need to be addressed:

1. The existing timber deck exhibits decay in multiple areas and exhibits vegetation growth from these areas. The timber deck and the timber nailer above the steel beams should be replaced. We propose replacing the existing timber deck with the same timber system currently in place.
2. Two existing timber posts at the abutments have damage due to deterioration. We propose that these areas should be repaired by replacing the lost section with new timber.
3. The existing steel beams, while structurally adequate for a pedestrian bridge, display signs of corrosion and require painting. We propose that the steel beams be cleaned and repainted per the provisions in the 2018 NCDOT "Standard Specifications for Roads and Structures". This will require asbestos assessment and pollution control for possible lead paint. We recommend that this be completed during the short-term rehabilitation while the decking is being replaced depending on availability of funds.
4. As indicated in the previous section, the timber backwall/wingwalls exhibit extensive decay due to water penetration. We recommend that the decayed horizontal members be temporarily

repaired similar to what has been currently done. In addition, some vertical member/posts along the wingwall will need replacement due to the extensive section loss.

5. To prevent additional damage to the backwall/wing walls, we propose installation of a temporary drainage system behind the abutments. The system would consist of vertical drilled columns, spaced approximately at 5' on center and 10' deep, placed behind the abutments. These columns would be filled with a perforated PVC pipe, geotextile filter fabric and crushed stone to drain water using weep holes that will be installed through the backwall/wingwall. See Figure 15.
6. To prevent future erosion around the abutments, we propose that riprap be placed in front of each abutment to direct the normal water flow back towards the original creek channel.

Long-Term Rehabilitation

Based on our review of existing information and our field visit, we have identified the following long-term rehabilitation items that need to be addressed:

1. The existing substructure backwall/wingwalls indicates areas of severe deterioration/rot and needs complete replacement. This would require excavation behind the bridge and replacement of the timbers. Instead of a timber backwall/wingwall system, a concrete alternate could be installed to deter the type of issues that the current bridge is experiencing at the abutments.
2. To reduce the potential for future backwall/wingwall deterioration, a drainage system needs to be installed behind the abutments prior to placing a select fill behind the abutments.

Pedestrian Bridge Conversion

In-order-to convert the existing bridge into a pedestrian bridge for Phase I, the following actions are required.

1. Replace the existing bridge railing with an ADA compliant railing. Due to the possibility of bicycle riders, a bicycle appropriate railing height of 54" should be considered.
2. Replace the existing bridge deck.
 - a. In an effort to reduce cost, the Town may consider reducing the bridge width, and eliminating some beams at this stage. In addition, this would allow room behind the abutments for a separate structure to cover the bridge if selected in later phases. The required bridge width can be discussed in a future meeting between the Town of Montreat and Mattern & Craig.
3. Install anchored bollards at each end of the bridge to prevent vehicular traffic.
4. Repair existing substructure per the short-term rehabilitation measures discussed previously.
5. Install a protective fence approaching the bridge to prevent pedestrians from falling into the creek below.

Recommendations


Based on the current condition of the site, review of the provided bridge data, and the visual inspection

conducted, Mattern & Craig has no immediate concerns with the existing structure. Prior to the conversion to a pedestrian bridge, the rehabilitation and bridge conversion items noted previously will need to be addressed.

Thank you for the opportunity to provide this evaluation of this structure for the Town of Montreat. Please feel free to call us if you should have any questions with this report.

Sincerely,

MATTERN & CRAIG, INC.

DocuSigned by:

B6C1881FA1E1482...

Timothy J. Townsend, P.E.

CMT/pyb

Enclosures: As noted



Figure 1: Bridge Overview



Figure 2: Aerial Utility Adjacent to the West Side of the Bridge



Figure 3: Aerial Utilities Crossing Bridge Diagonally



Figure 4: View of Bridge Superstructure from Underneath the Bridge



Figure 5: View of Deck Overhang on the East Side of the Bridge



Figure 6: View of North Side of the Bridge Substructure



Figure 7: Damage to North East Post on North Abutment



Figure 8: Damage to Post 3 on South Abutment



Figure 9: View of North-East Corner of the Bridge Substructure



Figure 10: View of North-West Side of the Bridge Substructure



Figure 11: Condition of South-East Corner of the Bridge Substructure



Figure 12: Condition of South-West Corner of the Bridge Substructure



Figure 13: Water Penetration Through South Side Bridge Substructure



Figure 14: View of North-West Corner of the Bridge Substructure

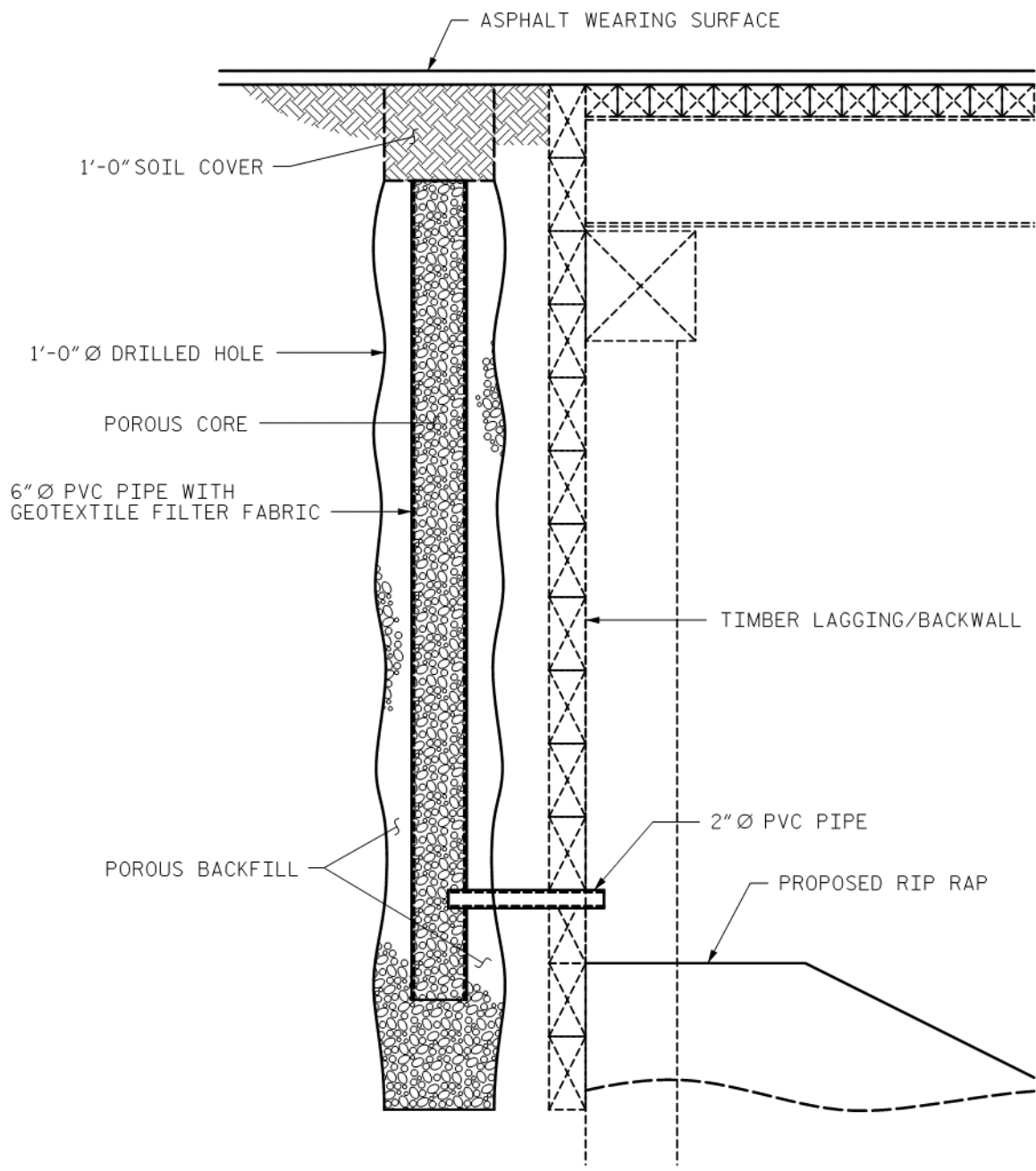


Figure 15: Proposed Drainage System

**ADMINISTRATIVE REPORTS:
ADMINISTRATION**

Town Administration report for the period of July 1 to July 28, 2019.

Monthly Statistics

Public Meetings	4
Inter-Organizational /Intergovernmental Meetings	2
Agendas Prepared	3
Minutes Transcribed	5
Resolutions Drafted	1
Public Records Requests Processed	0
Water Bills Processed	674
Leak Adjustments	10
New Water Accounts Established	2
Purchase Orders	120
Professional Development Hours	2.5
Sunshine List Messages	9
Website Posts	10
Social Media Posts	1
Code Red Alerts	0
Workers Compensation Claims	0

Upcoming Events and Schedule Changes

- 0
-

Comments

- N/A
-

Staff Communications

- Please be aware of construction and repair projects as you are traveling in Montreat
-



TOWN OF MONTREAT

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

ADMINISTRATIVE REPORTS: BUILDINGS AND INSPECTIONS

Buildings and Inspections report for the period of July 1 to July 28, 2019.

Monthly Statistics

Building Permits Issued	10
Pending Building Permits	0
Building Inspections Performed	26
Stop Work Order Issued	0
Defective Building Posted	0
Denied Building Permits	0
Fire Inspections Performed	0
Fire Re-Inspections Performed	0
Fire Permits Issued	0
Fuel Costs	0

Comments

-
-

Staff Communications

-
-



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ADMINISTRATIVE REPORTS: POLICE DEPARTMENT

Police Department report for the period of July 1 to July 28, 2019.

Monthly Statistics

Patrol Mileage	2,228
Dispatched Calls	130
Officer-Initiated Calls	407
Fire Assistance Calls	2
EMS Assistance Calls	4
Motorist/Other Assistance Calls	88
Traffic Stops	27
Parking Issues	3
Burglar Alarm Responses	3
Fire Alarm Responses	5
Residential/Building Checks	269
Ordinance Violations	0
Law Enforcement Agency Assistance Calls	52
Animal Control Calls	7
Larcenies	7
Breaking & Entering Calls	3
Suspicious Person Investigations	10
Suspicious Vehicle Investigations	15
Disturbance Calls	25
Accident Responses	2
Auxiliary Hours Worked (Regular)	32
Auxiliary Hours Worked (Addittional)	60
Truck Turns at Gate	5
MPD Fuel Cost	0
Professional Development Hours	64
Town Service	484
MRA Service	165
College Service	11

Comments

- 0
-

Staff Communications

-
-

Obviously, the big event for the month was the 4th of July Parade. Rough estimates suggests that this was one of the largest crowds ever. The entire event went of without an issue.



TOWN OF MONTREAT

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ADMINISTRATIVE REPORTS: SANITATION

Sanitation Department report for the period of July 1 to July 28, 2019.

Monthly Statistics

Curbside Trash Collected (tons)	17.23
Pay-As-You-Throw Trash Bags Collected	20
Curbside Recycling Collected (tons)	4.67
Pay-As-You-Throw Recycling Bags Collected	20
Cardboard Recycling Collected (tons)	0.72
Unique Curbside Sanitation Stops	1,414
Sanitation Diversion Rate	0
Bagged Leaf Pickup	407
Bagged Leaf Pickup	407
Brush Pickup (cubic yards)	19
Hauling Fees	\$1,837.30
Tipping Fees	\$0.00
Dumpster Rental Fees	\$203.92
Sanitation Fuel	\$0.00
Contracted Employee Staff Hours	0

Upcoming Events and Schedule Changes

- N/A
-

Comments

- N/A
-

Staff Communications

- Please remember that bagged leaves are only picked up every other week between now and October.
- As always, please remember to tie your trash bags before setting them out for curbside pickup.



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ADMINISTRATIVE REPORTS: STREETS

Streets Department report for the period of July 1 to July 28, 2019.

Monthly Statistics

Miles of Road Maintained	17.12
Miles of New Road Constructed	0
Public Trees Removed	2
Sand Applied to Roads (tons)	0
Ice Melt Applied to Roads (pounds)	0
Monthly Fuel Costs	430.57
Contracted Employee Staff Hours	0
Road Closures	3

Comments

- Road side mowing and patching will continue over the next few weeks
-

Staff Communications

- 0
- 0
- Please keep a watchful eye out for contractors and our crew while road repairs are being made.



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ADMINISTRATIVE REPORTS: WATER AND PUBLIC WORKS

Water and Public Works report for the period of July 1 to July 28, 2019.

Monthly Statistics

Calls for Service	42
Water Leaks Repaired	0
New Water Lines Installed	0
Water Meters Read	674
Water Meter Replacements	0
Gallons of Water Produced	4,930,889
Monthly Fuel Cost	431.07
Hours Pumped (11 wells combined)	2,797

Upcoming Events and Schedule Changes

- 0
- 0

Comments

- N/A
- 0

Staff Communications

- 0
- 0
- 0
- 0



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ZONING ADMINISTRATION

Zonning administration report for the period of July 1 to July 28, 2019.

Monthly Statistics

Approved Zoning Permits	1
Denied Zoning Permits	0
Pending Zoning Permits	1
Variance/Interpretation Granted	0
Conditional Use Permits Granted	0
Permit Extensions Granted	0
Sign Permits Issued	0
Notice of Violations	0

Comments

- N/A
-

Staff Communications

- N/A
-
-

0

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

Meeting Date: August 8th, 2019

SUBJECT: Firearms Policy Amendment

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: A
Department: Police
Contact: Chief David Arrant
Presenter: Chief David Arrant

BRIEF SUMMARY: This is an amended version of our current Firearms Policy. It is remaining largely unchanged, save for a couple of items. The most impactful point is the raising of our annual qualification scores. The Department has operated at the State regulated minimum of seventy percent for a passing score for handguns since its inception. This policy change will raise that to an eighty percent minimum score. This also implements certification and higher scoring in regards to qualifying with the AR-15.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Move to approve/deny amendment of the Montreat Police Department Firearms Policy as presented.

FUNDING SOURCE: N/A

ATTACHMENTS: Amended Firearms Policy

STAFF COMMENTS AND RECOMMENDATIONS: Staff recommends amending the Montreat Police Department Firearms Policy as presented.

MONTREAT POLICE DEPARTMENT	GENERAL ORDER:
SUBJECT: FIREARMS	EFFECTIVE: August 8, 2013
CHIEF OF POLICE: DAVID ARRANT	REVISED DATE: August 8, 2019

I. Purpose

To establish guidelines for the training in and qualification of firearms used by Montreat Police Officers in their law enforcement duties.

II. Policy

Officers of the Montreat Police Department have endowed upon them a great responsibility to maintain peace and public order. At times the use of firearms may be needed to protect that peace and public order and the lives of those involved. The intent of this policy is to give officers a guide and govern the use and training of firearms while on and off duty complying fully with the State of North Carolina and demonstrating proficiency with the use of all weapons carried.

III. Definitions

Firearm: A handgun, shotgun or rifle which propels a projectile at an intended target by means of a controlled explosion.

Duty Weapon: A handgun, shotgun or rifle issued or authorized by MPD for use while employed by MPD in an active or reserve status that is in compliance with Criminal Justice Training and Standards regulations

Back Up Weapon: A handgun, usually a smaller size that can be easily carried in addition to the duty weapon and meets Criminal Justice Training and Standards regulations.

Off-Duty Weapon: A handgun that is intended to be carried while off-duty. The handgun must meet the same standards as a back-up weapon and the officers must meet all qualification requirements as set forth by Criminal Justice Training and Standards.

Handgun: A pistol, revolver or firearm with a short stock that is designed to be fired with the use of one hand

Shotgun: A shoulder-fired secondary weapon used in special circumstances that fire either 1oz Slug rounds or .00 Buck Shot.

Patrol Rifle: A .223 caliber shoulder fired, gas operated magazine fed weapon capable of semi-automatic fire and used in certain approved circumstances as a primary weapon.

MONTREAT POLICE DEPARTMENT	GENERAL ORDER:
SUBJECT: FIREARMS	EFFECTIVE: August 8, 2013
CHIEF OF POLICE: DAVID ARRANT	REVISED DATE: August 8, 2019

IV. Procedures

WEAPONS ISSUED AND CARRY OF WEAPONS

A. Authorized Weapons. Montreat Police Officers, while on or off duty, shall carry only Firearms and ammunition authorized and or issued by the department.

B. Approved List. The Montreat Police Firearms Instructor(s) shall maintain a list of all authorized firearms and ammunition issued and approved by department personnel for use on and off duty.

1. This list of firearms shall include the following information:

- a. The name of the officer to whom a weapon is issued or approved;
- b. Whether the weapon is department issued or personally owned/department approved;
- c. Make of weapon;
- d. Model of weapon;
- e. Serial number of weapon;
- f. Type of weapon;
- g. Type of ammunition issued and/or authorized;

C. Firearms Inspection. The firearms instructor shall inspect all firearms issued to department personnel at least annually during firearms qualification. Inspections shall be documented in writing. Any firearm found to be unsafe will be taken out of service and replaced with a spare weapon. Any firearm removed from service will remain out of service until all repairs are completed.

D. Authorized Firearms and Ammunition issued by the Montreat Police Department:

1. Issued Firearms:

Glock, Model 21, 45 caliber semi-automatic

Glock, Model 17 or 19, 9mm caliber semi-automatic

Glock Model 45, 9mm caliber semi-automatic

Chief's discretion

Only ammunition issued/authorized by the Montreat Police Department shall be carried and used in department issued firearms.

2. Issued Shotguns:

Remington 12 gauge 870 Police

Only department issued/authorized ammunition will be carried and used in department issued shotguns.

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3. Patrol Rifles:

Model AR-15 -.223 Caliber

Before issuance and/or permission for carry, Officers must attend and pass a rifle/carbine training course, and State mandated qualification course.

Only department issued/authorized ammunition will be carried and used in department issued patrol rifles.

4. Personally Owned/Off Duty Weapons

- a. All personally owned weapons which are carried "off duty concealed" shall be inspected by the firearms instructor who shall have the authority to authorize the use and carry of the firearm and ammunition that is commonly accepted for law enforcement use.
- b. Officers carrying personal firearms will be required to show proficiency in the use of the firearm by qualifying on both the day and night qualification course. This qualification must be done annually before being approved to carry the weapon.
- c. Any officer wishing to carry a personally owned weapon as a back-up while on duty will also have to show proficiency in the use of the firearm by qualifying annually on both the day and night qualification course. Only weapons of .380 caliber or higher will be approved for back-up carry.
- d. Officers are encouraged, but not required, to wear a weapon while off duty, regardless of jurisdiction and in accordance with state law. EXCEPTION: Whenever an officer is operating a Montreat Police Department marked vehicle he/she will be required to carry a firearm.

E. Carry Guidelines

1. Concealed Handguns

- a. Off-duty Officers will carry handguns in a manner that conceals them from public view. Officers carrying off-duty or secondary weapons will comply with all applicable state laws and departmental directives concerning their use as if on duty. Secondary weapons

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will not be carried in a conspicuous fashion or worn in any manner visible to the public.

- b. Secondary weapons must be carried in a holster or carrying system and must remain secured while performing physical activity.
- c. Officers working in a plain-clothes assignment will carry their handgun on their person at all times while on duty or while operating any police vehicle. Officers working in plain clothes may be permitted to carry their handgun in an alternate fashion if approved by the Chief of Police.
- d. At no time will officers carry a firearm without also having in their possession their police identification and their North Carolina Driver's License, unless specifically approved by the Chief of Police and in the performance of duty.
- e. All firearms carried or used by an officer must be registered with the Department by make, model, and serial number, including any firearm to be carried by the officer "off duty concealed". Completion of the F9A form during firearms qualification, listing the required information, will meet this requirement.

2. Safety Rules and Regulations

- a. Sworn members of the Montreat Police Department are responsible for the safety and security of their department issue weapons **at all times**. Sworn personnel will also be held responsible for the security of the issued weapon when that weapon is not being carried on the officer's person. No Montreat Police Department weapon will be left unattended or unsecured in any place at any time.
- b. When inside the Montreat PD Headquarters, all unattended weapons will be kept in a locker, in any secured, locked storage area, or on the officer's person.
- c. Any department issued or approved long gun carried in a police vehicle must be secured within the vehicle.
 - i. If carried inside the passenger compartment, the long gun must be carried in an electronic mount device.
 - ii. If carried in the trunk of the vehicle, the long gun must be mounted and locked to the interior of the vehicle. If it is in a case, the case must be permanently affixed or locked to the vehicle compartment if possible.

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- iii. Any officer who regularly carries a long gun in their assigned vehicle while off duty, must park the vehicle in off street parking, i.e., in the driveway of the officer's residence or in a garage.
 - iv. An officer residing in an apartment or condo, without a garage and only a common, unsecured parking lot available for parking, may NOT store the long gun in the trunk of the vehicle while off duty.
 - e. Any employee issued a firearm will be instructed in this policy and in the use of the weapon security device.
3. The Law Enforcement Safety Act of 2004
- a. The Law Enforcement Safety Act of 2004 authorizes qualified active and honorably retired law enforcement officers to carry firearms concealed nationwide. The Montreat Police Department shall adopt the following policies and procedures pertaining to the act:
 - i. All currently sworn Officers and Retirees must complete the Use of Force classroom and firearms range training to carry concealed weapons. The firearms instructor shall notify retirees 30 days prior to firearms in-service training. The retirees should reply to the notification a minimum of 3 days before the scheduled training.
 - ii. The firearms instructor shall approve the retired officer's weapon and ammunition, which they must provide, based upon the policies and procedures of the Montreat Police Department. Retired officers shall successfully complete the use of force classroom training and qualify with a minimum score of 70% during a day and night approved course of fire.
 - iii. After successfully completing the training an identification card will be issued to the retirees. This card shall be presented at any future firearms training to verify credible years of service. Both sworn officers and retirees shall have in their possession the ID card issued by the Montreat Police Department and another form of picture ID while carrying a weapon concealed upon their person.

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4. Restrictions to Carry: The Following restrictions shall apply to all sworn employees and retired officers:
 - a. MPD Officers must have in their possession at all times their badge and police identification when carrying a weapon concealed while on or off duty.
 - b. Neither sworn or retired officers shall carry a weapon while consuming alcoholic beverages or while under the influence of any drug or substance that impairs physical and/or mental function and ability.

VII. WEAPONS QUALIFICATION AND IN-SERVICE TRAINING

A. Course of Fire

1. The Montreat Police Department will utilize only certified Firearms Instructors. MPD Firearms Instructors will be responsible for developing courses of fire for qualification purposes, meeting or exceeding North Carolina Criminal Justice Training and Standards requirements and commensurate with the type of weapon to be carried by each individual officer. The Firearms Instructor will certify that an applicable course of fire has been satisfactorily completed.
2. Firearms proficiency is based on a pass/fail scoring system with 80% being the minimum passing score. Officers must demonstrate at least 80% accuracy with all on duty firearms, except an issued or personally owned .223 Caliber Patrol Rifle which requires a 90% qualification score. No rounds are allowed outside of the silhouette during rifle course. Day and night qualifications with at least 80% accuracy are required with each on duty handgun carried (off duty/back up firearms will only require 70% to pass.).
3. The weapon and holster used during training and qualification will be the same type as that which is to be used by the individual officer. The ammunition must be of the same type to be used by the individual officer.
4. Firearms instructors will adhere to the following procedures for each sworn officer:
 - a. Document day and night qualification with the department issued hand gun and any off duty handgun with a score;

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- b. Document day and night shotgun qualification with a score.
- c. Document day and night Patrol Rifle with a score.

B. Remedial Training. Firearms qualification shall be conducted and monitored by an instructor certified to provide instruction with the weapon.

1. Firearms. For officers who fail to qualify with at least 80% proficiency with any duty weapon required by the Montreat Police Department the firearms instructor will assist by:

- a. Using personal observations of the officer on the range review the basics of firearms as to: stance, site picture and alignment, breathing, grip and trigger pull; and, check the sites of the weapon.
- b. Permitting the officer to shoot the course a second time.
- c. If the officer fails on the second attempt, the instructor will provide immediate remedial training using personal observations of the officer on the range, and target observations. The firearms instructor will provide one on one instruction of the basics with observation of the officer shooting the weapon to determine deficiencies and correcting them.
- d. Practice rounds are allowed but must be indicated as such by the firearms instructor prior to shooting the rounds.
- e. Permit the officer to shoot the course for a third attempt. If the officer fails on the third attempt, the firearms instructor shall:
 - i. Take the officer's weapon;
 - ii. Advise the officer that he/she cannot carry a weapon under law enforcement authority; and that
 - iii. He/she forfeits the right to carry a personally owned, off-duty weapon without a valid North Carolina Concealed Weapons Permit.

2. Failure to Qualify With Firearm

- a. If an officer fails to meet certification standards, i.e., (1) Does not shoot a passing score within three attempts; or (2) fails to attend qualification, the officer's authority to carry the weapon will be immediately revoked by the Firearms Instructor who will deliver to the officer written notification of the revocation on Form F-9A, approved by the North Carolina Criminal Justice Education and Training Standards Commission.
- b. The officer must sign the form in acknowledgement of the revocation. The Firearms Instructor will advise the officer that he/she cannot carry a weapon under law enforcement authority and

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that he/she forfeits the right to carry an off-duty personally owned weapon without a valid North Carolina Concealed Carry Permit. Officers who have a permit to carry a concealed weapon may continue to do so, but may not display their badge or in any way imply that they are operating under the authority of the Department in the use of this weapon.

- c. The revocation of authority to carry a primary weapon will require the firearms instructor AND the officer to notify the officer's immediate supervisor before the end of the officer's current shift where possible, but no later than 24 hours of the failure to qualify. The Firearms Instructor will forward the revocation form through the chain of command to the Chief of Police as soon as possible, but no later than 24 hours of the failure to qualify. The North Carolina Criminal Justice Education and Training and Standards Commission will be notified of the failure and the officer's certification shall be suspended.
- d. Officers who fail to qualify with any required firearm and whose law enforcement certification has been suspended will be placed on unpaid administrative leave and will not be allowed to perform law enforcement duties until the officer complies with Commission requirements and certification is reinstated.
- e. Officers who have failed to qualify will not be allowed to operate a marked police vehicle until they have re-qualified with their primary duty weapon.

If, after a period of time designated by the Chief of Police, the officer has failed to achieve certification, he/she will be terminated for failing to maintain certification standards. In the case of physical or mental disability, the officer may become eligible for disability retirement.

This Policy and Procedure has been approved this date ____ of ____, ____.

Chief of Police

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

Meeting Date: August 8th, 2019

SUBJECT: Police Car Radio Purchase

AGENDA INFORMATION:

Agenda Location: New Business

Item Number:

Department: Police

Contact: Chief David Arrant

Presenter: Chief David Arrant

BRIEF SUMMARY: Over the course of the past two years, we have been replacing our aging police radios in phases. First with the handheld units, followed by some vehicle units. This phase, as approved in the CIP, will finish out this project.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Move to approve/deny Contract #19-08-001 with Motorola Solutions in the amount of \$7,077.00 for two Remote Mount Mobile with required software and accessories as presented

FUNDING SOURCE: 10-10-5100-730

ATTACHMENTS: Quote Number QU0000482975

STAFF COMMENTS AND RECOMMENDATIONS: Staff recommends approving purchase of radios.

**MOTOROLA SOLUTIONS**

Quote Number: QU0000482975

Effective: 11 JUL 2019

Effective To: 09 SEP 2019

Bill-To:

MONTREAT, TOWN OF
PO BOX 423
MONTREAT, NC 28757
United States

Ultimate Destination:

MONTREAT POLICE DEPT.
96 RAINBOW END RD.
BLACK MOUNTAIN, NE 28711
United States

Attention:

Name: Chief David Arrant
Email: darrant@townofmontreat.org
Phone: 828-669-8002

Sales Contact:

Name: Jay Clegg
Email: jayclegg@callmc.com
Phone: 828-230-3138

Contract Number: NC STATE NON Ariba -725G

Freight terms: FOB Destination

Payment terms: Net 30 Due

Item	Quantity	Nomenclature	Description	List price	Your price	Extended Price
1	2	M22URS9PW1AN	APX4500 7/800	\$1,564.00	\$1,173.00	\$2,346.00
1a	2	G24AX	ADD: 3Y ESSENTIAL SERVICE	\$131.00	\$131.00	\$262.00
1b	2	QA02756AD	ADD: 3600 OR 9600 TRUNKING BAUD SINGLE SYSTEM	\$1,570.00	\$1,177.50	\$2,355.00
1c	2	G174AF	ADD: ANT 3DB LOW-PROFILE 762-870	\$43.00	\$32.25	\$64.50
1d	2	W22BA	ADD: STD PALM MICROPHONE APX	\$72.00	\$54.00	\$108.00
1e	2	G67CF	ADD: REMOTE MOUNT MID POWER	\$297.00	\$222.75	\$445.50
1f	2	GA00804AA	ADD: APX O2 CONTROL HEAD	\$492.00	\$369.00	\$738.00
1g	2	G444AH	ADD: APX CONTROL HEAD SOFTWARE	-	-	-
1h	2	B18CR	ADD: AUXILIARY SPKR 7.5 WATT	\$60.00	\$45.00	\$90.00
1i	2	GA00235AA	ADD: NO GPS ANTENNA NEEDED	-	-	-
2	98	SVC03SVC0115D	SUBSCRIBER PROGRAMMING	\$1.00	\$1.00	\$98.00
3	570	SVC03SVC0123D	SUBSCRIBER INSTALL - SVCR LOCATION	\$1.00	\$1.00	\$570.00

Total Quote in USD**\$7,077.00**

This quote is for Qty (2) APX4500 Remote Mount Mobile with required software and accessories as indicated. Quote based on NC State 725G Contract pricing.

PO Issued to Motorola Solutions Inc. must:

- >Be a valid Purchase Order (PO)/Contract/Notice to Proceed on Company Letterhead. Note: Purchase Requisitions cannot be accepted
- >Have a PO Number/Contract Number & Date
- >Identify "Motorola Solutions Inc." as the Vendor
- >Have Payment Terms or Contract Number
- >Be issued in the Legal Entity's Name
- >Include a Bill-To Address with a Contact Name and Phone Number
- >Include a Ship-To Address with a Contact Name and Phone Number
- >Include an Ultimate Address (only if different than the Ship-To)
- >Be Greater than or Equal to the Value of the Order
- >Be in a Non-Editable Format

RESOLUTION 19-08-001

RESOLUTION TO CLOSE REMAINING UNOPENED, PLATTED UNNAMED RIGHT OF WAY ADJOINING WESTERN MARGIN OF VIRGINIA ROAD, PLAT BOOK 16, PAGE 92

WHEREAS, the Town of Montreat has received a request from Petitioner William A. L. Sibley, Jr., Trustee of the Nancy Holland Sibley Revocable Trust u/a/d April 24, 2000, as amended, to close the remaining unopened, platted, unnamed right of way adjoining the Western margin of the right of way for Virginia Road, as hereinafter more particularly described; and

WHEREAS, the Town of Montreat has the authority to close dedicated streets within its jurisdiction on its own motion pursuant to North Carolina General Statutes §160A-299; and

WHEREAS, the remaining unopened, platted, unnamed right of way to be closed is more particularly described as follows:

LYING AND BEING in the Town of Montreat, Buncombe County, North Carolina:

Being all of that street right of way (i) the Southern margin of which said right of way adjoins the Northern boundary of Lot 70 and (ii) the Northern margin of which said right of way adjoins the Southern boundary of Lots 89, 90, and 91; extending in a Western direction from its Eastern terminus at the Western margin of the right of way of Virginia Road to its Western terminus at or near a branch, all as shown on Sheet 3 of a plat entitled "Map of Montreat" duly recorded in the Office of the Register of Deeds for Buncombe County, North Carolina in Plat Book 16, Page 92, reference to which said plat is hereby made for a more particular description of the aforesaid right of way, Lots, and other matters shown thereon.

WHEREAS, the Board of Commissioners of the Town of Montreat considered the above-referenced request at its regular meeting at 7:00 PM on the 9th day of May, 2019, and for good cause shown, the Board of Commissioners declared its intent to close the described remaining unopened, platted, unnamed right of way; and

WHEREAS, a copy of the resolution of intent adopted by the Board of Commissioners at its May 9, 2019 meeting was published in the Black Mountain News for four (4) consecutive weeks; and

WHEREAS, notice of the adoption of the resolution of intent and the public hearing on the closing of the described remaining unopened, platted, unnamed right of way was posted at two (2) prominent places along said street no later than May 16, 2019; and

WHEREAS, A public hearing was held to receive public comment at the regular meeting of the Board of Commissioners in the Walkup Building, 300 Community Center Circle, Montreat, NC 28787 on Thursday, June 13, 2019 at 7:00 PM; and

WHEREAS, it appears to the satisfaction of the Board of Commissioners that closing the described remaining unopened, platted, unnamed right of way is not contrary to the Town of Montreat, and that no individual owning property in the vicinity of said remaining unopened, platted, unnamed right of way would be deprived of reasonable means of ingress or egress.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Montreat that:

1. Pursuant to the North Carolina General Statutes §160A-299, that remaining unopened, platted, unnamed right of way described shall be permanently closed to public use.
2. The closing is subject to the retention by the Town of Montreat of easements for any existing water, sewer, or other existing utility lines.
3. Pursuant to North Carolina General Statutes §160A-299, a certified copy of this resolution and order shall be filed in the Office of the Register of Deeds for Buncombe County, North Carolina, if and at such time as any contingencies set out above are met.

I move the adoption of the foregoing resolution:

Bill Gilliland
Commissioner

READ, APPROVED, AND ADOPTED, this the 13th day of June, 2019 by a vote of 5 to 0.

ATTEST:

Timothy R. Helms, Mayor

Angie Murphy, Town Clerk

Alex Carmichael, Town Administrator

CERTIFICATE

I, Angie Murphy, Town Clerk for the Town of Montreat, North Carolina, do hereby certify that the foregoing is a true and accurate copy of Resolution # _____ adopted at the regular meeting of the Montreat Board of commissioners on June 13, 2019, and said Resolution # _____ is duly filed in the Official Records of the Town of Montreat dated June 13, 2019.

Angie Murphy, Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____, a Notary Public of the aforesaid County and State, do hereby acknowledge that Angie Murphy, Town Clerk of the Town of Montreat, North Carolina, personally appeared before me this day and acknowledged the due execution of the foregoing certificate.

WITNESS my hand and Notarial Stamp or Seal, this the ____ day of July, 2019.

(NOTARY STAMP or SEAL)

Notary Public

Typed or Printed Name of Notary

My Commission Expires:

TOWN OF MONTREAT BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
Meeting Date: August 08, 2019

SUBJECT: Resolution 19-08-001 – Closing Unopened Right-of-Way on Virginia Road

AGENDA INFORMATION:

Agenda Location: General Business

Item Number: C

Department: Zoning

Contact: Adrienne Isenhower

Presenter: Adrienne Isenhower

BRIEF SUMMARY: A Resolution of Intent was approved at the May 2019 meeting and a public hearing was held at the June 2019 meeting regarding closure of unopened right-of-way on Virginia Road, requested by Mr. William Sibley, 109 Virginia Road. Following the public hearing, the vote in favor of closing the right-of-way was unanimous. The final step in that process is to file the closure with the Buncombe County Register of Deeds. A formal Resolution has been requested by the Register of Deeds via the petitioner's attorney to properly record the closure of the unopened right-of-way.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To adopt Resolution #19-08-001 to close remaining unopened, platted unnamed right of way adjoining western margin of Virginia Road, Plat Book 16, Page 92.

FUNDING SOURCE: N/A

ATTACHMENTS: Resolution 19-08-001

STAFF COMMENTS AND RECOMMENDATIONS:

Staff recommends approval of Resolution 19-08-001 as formal approval of the right-of-way closure voted upon at the June 2019 Board of Commissioners meeting.

RESOLUTION #19-08-002

**RESOLUTION TO CLOSE REMAINING UNOPENED, PLATTED PORTION
OF TEXAS ROAD (EXTENDED), PLAT BOOK 29, PAGE 116**

WHEREAS, the Town of Montreat has received a request from a Petitioner to close the remaining unopened, platted portion of Texas Road (Extended); and

WHEREAS, the Town of Montreat has the authority to close dedicated streets within its jurisdiction on its own motion pursuant to North Carolina General Statutes ' 160A-299; and

WHEREAS, the remaining unopened, platted portion of Texas Road (Extended) to be closed is more particularly described as follows:

LYING AND BEING in the Town of Montreat, Buncombe County, North Carolina:

Being a portion of that street right of way known and identified as TEXAS ROAD (EXTENDED)@ and shown without a stated width on a plat entitled APROPERTY OF MOUNTAIN RETREAT ASSOCIATION@, duly recorded in the Office of the Register of Deeds for Buncombe County, North Carolina (hereinafter sometimes referred to as the ARegistry@) in Plat Book 29, Page 116 (hereinafter sometimes referred to as the APlat@), lying Southwest of a line extending from a point in the Northwest margin of said right of way at the Easternmost corner of Lot 1233, South 35° 56' East across said right of way to the Southeast margin of said right of way. Reference is hereby made to the Plat for a more particular description of the aforesaid right of way, Lots, and other matters shown thereon.

WHEREAS, the Board of Commissioners of the Town of Montreat considered the above-referenced a request at its regular meeting at 7:00 PM on the 9th day of May, 2019, and for good cause shown, the Board of Commissioners declared its intent to close the described remaining unopened, platted portion of Texas Road (Extended); and

WHEREAS, a copy of the resolution adopted by the Board of Commissioners at its May 9, 2019 meeting was published in the Black Mountain News for four (4) consecutive weeks; and

WHEREAS, notice of the adoption of the resolution of intent and the public hearing on the closing of the described remaining unopened, platted portion of Texas Road (Extended) was posted at two (2) prominent places along said street no later than April 11, 2019; and

WHEREAS, A public hearing was held to receive public comment at the regular meeting of the Board of Commissioners in the Walkup Building, 300 Community Center Circle, Montreat, NC 28787 on Thursday, June 13, 2019 at 7:00 PM; and

WHEREAS, it appears to the satisfaction of the Board of Commissioners that closing the described remaining unopened, platted portion of Texas Road (Extended) is not contrary to the Town of Montreat, and that no individual owning property in the vicinity of said remaining unopened, platted portion of Texas Road (Extended) would be deprived of reasonable means of ingress or egress.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Montreat that:

1. Pursuant to the North Carolina General Statutes ' 160A-299, that unopened, platted portion of Texas Road (Extended) described shall be permanently closed to public use.
2. The closing is subject to the retention by the Town of Montreat of easements for any existing water, sewer, or other existing utility lines.
3. Pursuant to North Carolina General Statutes ' 160A-299, a certified copy of this resolution and order shall be filed in the Office of the Register of Deeds for Buncombe County, North Carolina, if and at such time as any contingencies set out above are met.

I move the adoption of the foregoing resolution:

Bill Gilliland
Commissioner

READ, APPROVED, AND ADOPTED, this the 13th day of June, 2019 by a vote of 5 to 0.

ATTEST:

Timothy R. Helms, Mayor

Angie Murphy, Town Clerk

Alex Carmichael, Town Administrator

CERTIFICATE

I, Angie Murphy, Town Clerk for the Town of Montreat, North Carolina, do hereby certify that the foregoing is a true and accurate copy of Resolution #19-08-002 adopted at the regular meeting of the Montreat Board of commissioners on June 13, 2019, and said Resolution #19-08-002 is duly filed in the Official Records of the Town of Montreat dated June 13, 2019.

Angie Murphy, Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____, a Notary Public of the aforesaid County and State, do hereby acknowledge that Angie Murphy, Town Clerk of the Town of Montreat, North Carolina, personally appeared before me this day and acknowledged the due execution of the foregoing certificate.

WITNESS my hand and Notarial Stamp or Seal, this the ____ day of August, 2019.

(NOTARY STAMP or SEAL)

Notary Public

Typed or Printed Name of Notary

My Commission Expires:

TOWN OF MONTREAT BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
Meeting Date: August 08, 2019

SUBJECT: Resolution 19-08-002 – Closing Unopened Right-of-Way on Texas Road Ext

AGENDA INFORMATION:

Agenda Location: General Business

Item Number: D

Department: Zoning

Contact: Adrienne Isenhower

Presenter: Adrienne Isenhower

BRIEF SUMMARY: A Resolution of Intent was approved at the May 2019 meeting and a public hearing was held at the June 2019 meeting regarding closure of unopened right-of-way on Texas Road Ext, requested by Ms. Janet Haney, 163 Texas Road Ext. Following the public hearing, the vote in favor of closing the right-of-way was unanimous. The final step in that process is to file the closure with the Buncombe County Register of Deeds. A formal Resolution has been requested by the Register of Deeds via the petitioner's attorney to properly record the closure of the unopened right-of-way.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To adopt Resolution #19-08-002 to close remaining unopened, platted portion of Texas Road (Extended), Plat Book 29, Page 116.

FUNDING SOURCE: N/A

ATTACHMENTS: Resolution 19-08-002

STAFF COMMENTS AND RECOMMENDATIONS:

Staff recommends approval of Resolution 19-08-002 as formal approval of the right-of-way closure voted upon at the June 2019 Board of Commissioners meeting.