## Town of Montreat Board of Commissioners Meeting – Public Forum October 10, 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 October 10, 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
  - September 12, 2019, Public Forum Minutes
  - September 12, 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
- Other Items

### VI. Administrative Reports

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

### VII. Public Comment

### Public comments will be heard during this period for <u>any and all items.</u>

### VIII. Old Business

### IX. New Business

## A. Well Pump A01 (Harmony Lane) Replacement

- Presenter: Jarod McIntosh
- **Suggested Motion:** Move to approve/deny contract #19-010-001 in the amount of \$6,724.95 with Reuben Caldwell Well Drilling, Inc

## **B.** Discussion of Traffic Calming on Assembly Drive

• **Presenter:** David Arrant, Chief of Police

## C. Awarding of Bid and Authorize the Mayor and Town Administrator to Negotiate, Sign and Execute Contract for General Contractor of Public Works Building

- **Presenter:** Jarod McIntosh, Senior Water Operator and Alex Carmichael, Town Administrator
- **Suggested Motion:** Move to award the General Contractor of Public Works Building bid to Jeremy Rogers Builders LLC and to authorize the Mayor and Town Administrator to negotiate, sign and execute the contract.

## D. Bid 2019-013 2019-2020 Waterline Project

- **Presenter:** Jarod McIntosh, Senior Water Operator
- **Suggested Motion:** Move to award the 2019-2020 Waterline Project to Civil Design Concepts and to authorize the Mayor and Town Administrator to negotiate, sign and execute the contract.

# E. Professional Services: Public Works Building Engineering & Design Bid 2019-011

- **Presenter:** Jarod McIntosh, Senior Water Operator and Alex Carmichael, Town Administrator
- **Suggested Motion:** Move to award the bid to \_\_\_\_\_\_and authorize the Mayor and Town Administrator to negotiate, sign and execute the contract.

F. To Call for a Special Meeting for Approval of Additional Contracts

- Presenter: Alex Carmichael, Town Administrator
- Suggested Motion: To call for a Special Meeting for Approval of Additional Bids, Contracts, and Budget Amendments on

### XI. Public Comment

Public comments will be heard during this period for <u>any and all items.</u>

- I. Commissioner Communications
- II. Meeting Dates

Montreat Tree Board:

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

Board of Adjustment:

Bulk Pick-up Trash Day:

Montreat Landcare:

November Town Council Meeting:

Thursday, October 24, 2019 Walkup Building 1:00 p.m.

Tuesday, October 29, 2019 Your curb! Begins at 8:00 a.m.

Wednesday, November 6, 2019 Allen Building Swannanoa Room 9:00 a.m.

Thursday, November 14, 2019 Walkup Building 7:00 p.m. Public Forum begins at 6:30 p.m. **III.** Closed Session: To enter into closed session in accordance with NCGS 143-318(a)(3) for attorney-client privilege.

## **IV. Budget Amendment#2 for Mediated Settlement**

- Presenter: Alex Carmichael, Town Administrator
- Suggested Motion: TBD

V. Approval of Resolution #19-10-001 Authorizing the Mayor to Sign and Execute Mediated Summary

- Presenter: Alex Carmichael, Town Administrator
- Suggested Motion: TBD

**VI.** Closed Session: To enter into closed session in accordance with NCGS §143-318.11(6) for discussion of a personnel matter.

## VII. Adjournment

## Town of Montreat Board of Commissioners Public Forum Meeting Minutes September 12, 2019 – 6:30 p.m. Walkup Building

Board members present:	Mayor Pro Tem Otto Commissioner Kitty Fouche Commissioner Alice Lentz Commissioner Tom Widmer
Board members absent:	Mayor Tim Helms
<u>Town staff present</u> :	Alex Carmichael, Town Administrator Angie Murphy, Town Clerk Adrienne Isenhower, Zoning Administrator

Eighteen members of the public were present. Mayor Pro Tem Otto called the meeting to order at 6:30 p.m., and led the group in a moment of silence.

## Agenda Approval

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

## Public Forum

Ms. Nancy Fletcher of 441 West Virginia Terrace asked about the status of the Arbor Lane bridge and lower Greybeard Trail repairs. Mr. Carmichael commented that both projects are in process. An engineered design is complete on the Greybeard Trail project and he expects construction to begin in the fall. The Arbor Lane bridge is in plans for repairs along with other Tropical Storm Alberto projects, and was recently closed for safety reasons.

Mayor Pro Tem Otto mentioned that paving will continue in mid-October for Kentucky Road, Wyck Road and Lookout Terrace.

Mr. Brad Hestir of 192 Mississippi Road stated that earlier this month he had hoped to attend a Board of Adjustment meeting regarding conflict on Texas Road. The meeting was canceled and he found out later arbitration was scheduled. Mr. Hestir stated that immediately going into arbitration was taking the rules of open government and putting it in a closed door situation. Mr. Hestir asked if the Town Council was a party to this incident and what can be spoken about it currently. Mr. Carmichael stated that the Town is a party to mediation not arbitration. The Council will go into Closed Session tonight to discuss the Town's involvement in mediation. The mediation itself is confidential but any agreement brought forth from mediation will be a public record. Ms. Mary Nell Todd of 143 Eastminster Terrace feels that Laura Wolfe has been shabbily treated. Ms. Todd questioned how we as a community can come to her assistance to live in the community again. Ms. Todd also posed the question of how we as a Town can prevent this from happening ever again.

Ms. Nancy Fletcher of 441 West Virginia Terrace asked if the Texas Road situation was supposed to a public hearing. Mr. Carmichael stated that it was a quasi-judicial hearing of the Board of Adjustment.

Mrs. Jean Norris of 192 Mississippi Road stated that what bothers her the most about the Texas Road situation is that the general public knows so little about it. Mrs. Norris stated that she does not know who is involved in the mediation, who is responsible and who should pay.

Mr. Wade Burns of 232 North Carolina Terrace stated that in Board of Adjustment quasi-judicial hearings the only way the public can speak is if they are sworn in as a witness to the case.

Mr. Brad Hestir of 192 Mississippi Rd stated that he was aware the Board of Adjustment meeting was a public meeting but he felt that when the parties decided to go into arbitration it took the openness away from the public. Commissioner Lentz advised that it will be mediation not arbitration. Mr. Hestir feels that there is public interest to the mediation.

Mr. Wade Burns of 232 North Carolina Terrace offered an affirmation of nice the interaction that just occurred was and how it helps the harmony of the community.

Mayor Pro Tem Kent Otto thanked everyone for their comments and shared how he felt it was healthy for the community.

## <u>Adjournment</u>

Commissioner Fouche moved to adjourn the meeting. Commissioner Lentz seconded and the motion carried 4/0. The meeting was adjourned at 6:58 p.m.

Kent Otto, Mayor Pro Tem

Angie Murphy, Town Clerk

## Town of Montreat Board of Commissioners Meeting Minutes September 12, 2019 – 7:00 p.m. Walkup Building

Board members present:	Mayor Pro Tem Otto Commissioner Kitty Fouche Commissioner Alice Lentz Commissioner Tom Widmer
Board members absent:	Mayor Tim Helms
<u>Town staff present</u> :	Alex Carmichael, Town Administrator Angie Murphy, Town Clerk Adrienne Isenhower, Zoning Administrator David Arrant, Chief of Police Darlene Carrasquillo, Finance Officer

Twenty six members of the public were present. Mayor Pro Tem Otto called the meeting to order at 7:05 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 Lentz seconded the motion. Mr. Carmichael stated that Staff has drafted a resolution to add to the Agenda after the Closed Session and it will be debated upon in Open Session. Mr. Carmichael read the resolution aloud and stated that it was authorizing the Mayor to serve as a representative in mediation. Mr. Carmichael also stated that the Town's Attorney would be here to discuss the situation with the Council in Closed Session. Commissioner Widmer withdrew his earlier motion. Commissioner Widmer moved to adopt the agenda as amended. Commissioner Lentz seconded and the motion carried 4/0.

## Presentations & Reports: Texas Road Bridge Report - Phase One, Stage Two

Mr. Carmichael gave a brief update on the Texas Road Bridge project, stating that we've received the first two engineering reports, including recommendations on what can be done to transform the bridge into a pedestrian bridge. The engineers stated the transition is possible without significant work, and they make recommendations on how to proceed. The Town will be proceeding with the next steps. Commissioner Widmer asked that other options be considered on the design to match the architecture of Montreat. Mr. Carmichael also gave updates on other capital projects. He also added that more pedestrian crosswalks and signs, like those on Lookout Road, will be added on the Montreat College campus.

## Mayor's Communications

Mayor Pro Tem Otto thanked the Town Staff for their work on the many significant projects they have been working on, including the Town Hall, Public Works Building, Tropical Storm Alberto projects, dead tree removal and more.

## **Meeting Minutes Adoption**

- August 8, 2019, Public Forum Minutes
- August 8, 2019, Town Council Minutes

## Town Administrator's Communications

Mr. Carmichael mentioned that the slab has been set at the Town Hall site just this very morning. The working group of the Town Hall met earlier this week to review interior and exterior stonework and finishes. The Public Works Building final drawings have been approved by the Town and will come before the next Board of Adjustment meeting for the site plan approval. The Greybeard Wall/Creekside Stabilization Project plans are complete and we hope to bring them before Council in October. Mr. Carmichael reviewed several Tropical Storm Alberto projects. There were also be a discussion regarding traffic calming options brought before Council in October.

## **Administrative Reports**

- Administration This report was given in written format.
- Finance 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

Mrs. Martha Campbell of 149 Maryland Place thanked the Montreat Police Department for their work and told a story about how Officer Whitson, who has recently left the department, helped her in an incident. Mrs. Campbell also informed those in attendance that a "bearwise" presentation will be held next month, helping us in living peacefully with the bears.

Mr. Wade Burns of 232 North Carolina Terrace mentioned that are wonderful architectural opportunities for covered bridges online.

## **Old Business**

There was no old business to discuss.

#### **New Business**

- A. <u>Adoption of Rules for Board Member Nominations</u>: Town Clerk Angie Murphy explained the rules for Board Member Nominations. A nomination will be given, then paper ballots will be filled out, read aloud and given to the Clerk for review in the Clerk's office until the minutes are approved. Commissioner Kitty Fouche moved to adopt the rules for Board Member nominations. Commissioner Alice Lentz seconded and the motion carried 4/0.
- B. <u>Board Member Nomination</u>: Commissioner Fouche moved to nominate Jane Alexander as Council Member to serve an unexpired term ending on December 12, 2020. Commissioner Fouche gave a brief biography of Mrs. Alexander. There were no other nominations from the Commission. The Commissioners then filled out paper ballots. Mayor Pro Tem Kent Otto read the paper ballots aloud. It was a unanimous vote for Jane Alexander.
- C. <u>Oath of Office:</u> Mayor Pro Tem Kent Otto issued the Oath of Office for Jane Alexander while Mr. Hugh Alexander supported his wife by holding the Bible.
- D. <u>Budget Amendment #1</u>: Mr. Carmichael explained the need for this transfer. These funds were the result of a raffle at the Native Plant Sale in April. This number was not included in the budget and there is not authority to use this money until Council approves the amendment. Commissioner Lentz moved to approve Budget Amendment #1 in the amount of \$354.10 to compensate for proceeds received from a raffle for Landcare Committee. Commissioner Widmer seconded and the motion carried 5/0.

## **Public Comment**

Mrs. Martha Campbell of 149 Maryland Place mentioned a program about bears will be held in October. A variety of people will be on hand to discuss how we can live peacefully with bears. Watch for more information.

Mr. Wade Burns of 232 North Carolina Terrace expressed his excitement over the nomination of Commissioner Jane Alexander.

## **Commissioner Communications**

Commissioner Lentz reported that the North Carolina Urban Forestry Council has selected the Town of Montreat as the recipient of the Tree City USA 2019 Award for the entire state of North Carolina!

Commissioner Fouche gave a Town Hall update. The foundation slab was poured on Thursday and framing will begin next week. There is a demonstration board facing Montreat Road showing stone and color selections. We are on schedule and on budget!

Montreat Tree Board:	Tuesday, September 24, 2019 Town Services Office 9:30 a.m.
Planning & Zoning Commission:	Thursday, September 26, 2019 Walkup Building 10:00 a.m. – 12:00 p.m.
Board of Adjustment:	Thursday, September 26, 2019 Walkup Building 7:00 p.m.
Montreat Landcare:	Wednesday, October 2, 2019 Allen Building Swannanoa Room 9:00 a.m.
October Town Council Meeting:	Thursday, October 10, 2019 Walkup Building 7:00 p.m. Public Forum begins at 6:30 p.m.

## Meeting Dates

Commissioner Tom Widmer moved to enter into Closed Session in accordance with NCGS 143-318.11(6) for discussion of a personnel matter and in accordance with NCGS 143-318(a)(3) for attorney-client privilege. Commissioner Kitty Fouche seconded and the motion carried 5/0.

Upon returning to Open Session, Commissioner Jane Alexander moved to ratify the August 28, 2019 offer of employment to Trey McDonald for the position of Police Captain in the amount of \$43,705 per year. Commissioner Tom Widmer seconded and the motion carried 5/0.

Commissioner Alice Lentz moved to ratify the August 28, 2019 offer of employment to Virginia "Gin" Johnson for the position of Police Officer in the amount of \$37,754 per year. Commissioner Jane Alexander seconded and the motion carried 5/0.

Commissioner Kitty Fouche moved to approve Resolution #19-09-001 authorizing the Mayor to negotiate in good faith a reasonable resolution to this matter. The reasonable resolution to this

matter may include monetary payment and/or work performed by Town staff in lieu of monetary payment. Any such agreed upon settlement shall be approved by the Town of Montreat Board of Commissioners. Commissioner Tom Widmer seconded and the motion carried 5/0.

## <u>Adjournment</u>

Commissioner Lentz moved to adjourn the meeting. Commissioner Alexander seconded and the motion carried 5/0. The meeting was adjourned at 8:53 p.m.

Kent Otto, Mayor Pro Tem

Angie Murphy, Town Clerk



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

# ADMINISTRATIVE REPORTS: ADMINISTRATION

Town Administration report for the month of

September, 2019

Monthly Statistics	
Public Meetings	6
Inter-Organizational /Intergovernmental Meetings	10
Agendas Prepared	4
Minutes Transcribed	0
Resolutions Drafted	0
Public Records Requests Processed	0
Water Bills Processed	674
Leak Adjustments	15
New Water Accounts Established	5
Purchase Orders	84
Professional Development Hours	8
Sunshine List Messages	6
Website Posts	6
Social Media Posts	3
Code Red Alerts	0
Workers Compensation Claims	0

## **Upcoming Events and Schedule Changes**

Comments

N/A

#### **Staff Communications**

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



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## ADMINISTRATIVE REPORTS: BUILDINGS AND INSPECTIONS

Buildings and Inspections report for the month of August, 2019

\_\_\_\_\_

Monthly Statistics	
Building Permits Issued	12
Pending Building Permits	0
Building Inspections Performed	18
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: STREETS

Streets Department report for the month of

September, 2019

Monthly Statistics	
Miles of Road Maintained	17.12
Miles of New Road Constructed	0
Public Trees Removed	32
Sand Applied to Roads (tons)	0
Ice Melt Applied to Roads (pounds)	0
Monthly Fuel Costs	273.24
Contracted Employee Staff Hours	111
Road Closures	4

#### Comments

Road side mowing will continue . Please keep a watchful eye out for the crews working on the sides of the roads.

### **Staff Communications**

0



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# ADMINISTRATIVE REPORTS: POLICE DEPARTMENT

Police Department report for the month of

September, 2019

Monthly Statistics	
Patrol Mileage	2,050
Dispatched Calls	94
Officer-Initiated Calls	461
Fire Assistance Calls	3
EMS Assistance Calls	2
Motorist/Other Assistance Calls	62
Traffic Stops	28
Parking Issues	4
Burglar Alarm Responses	4
Fire Alarm Responses	4
Residential/Building Checks	324
Ordinance Violations	5
Law Enforcement Agency Assistance Calls	36
Animal Control Calls	3
Larcenies	0
Breaking & Entering Calls	1
Suspicious Person Investigations	7
Suspicious Vehicle Investigations	6
Disturbance Calls	18
Accident Responses	2
Auxiliary Hours Worked (Regular)	40
Auxiliary Hours Worked (Addittional)	142
Truck Turns at Gate	5
MPD Fuel Cost	\$ 522.30
Professional Development Hours	0
Town Service	487
MRA Service	168
College Service	30

#### Comments

There has not been any significant events for the month of September.

For most of this month, MPD has seen it's newest two employees familiarizing themselves with their new area of operation. Both should be sworn in very shortly, and ready for patrol.



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## ADMINISTRATIVE REPORTS: WATER AND PUBLIC WORKS

Water and Public Works report for the month of September, 2019

### **Monthly Statistics**

Calls for Service	15
Water Leaks Repaired	0
New Water Lines Installed	0
Water Meters Read	674
Water Meter Replacements	38
Gallons of Water Produced	3,810,777
Monthly Fuel Cost	\$ 611.49
Hours Pumped (11 wells combined)	1,939

## **Upcoming Events and Schedule Changes**

#REF!

#REF!

## Comments

N/A

#REF!

#### **Staff Communications**

#REF!

#REF!

#REF!



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# ADMINISTRATIVE REPORTS: SANITATION

Sanitation Department report for the month of

September, 2019

Monthly Statistics	
Curbside Trash Collected (tons)	25.25
Pay-As-You-Throw Trash Bags Collected	35
Curbside Recycling Collected (tons)	6.52
Pay-As-You-Throw Recycling Bags Collected	28
Cardboard Recycling Collected (tons)	0.61
Unique Curbside Sanitation Stops	3,334
Bagged Leaf Pickup	89
Brush Pickup (cubic yards)	12 loads
Hauling Fees	\$1,837.33
Tipping Fees	\$2,192.12
Dumpster Rental Fees	\$203.92
Sanitation Fuel	\$211.83
Contracted Employee Staff Hours	127.5

## **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 yout trash bags before setting them out for curbside pickup.



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## ADMINISTRATIVE REPORTS: ZONING ADMINISTRATION

Zonning Administration report for the month of August, 2019

#### **Monthly Statistics** Approved Zoning Permits 2 **Denied Zoning Permits** 0 Pending Zoning Permits 2 Variance/Interpretation Granted 0 Conditional Use Permits Granted 0 0 Permit Extensions Granted Sign Permits Issued 0 Notice of Violations 0

#### Comments

N/A

## **Staff Communications**

- 0
- 0

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# ADMINISTRATIVE REPORTS: FINANCE

		Finance re	port for the m	onth of		August , 2019
REVENUES			<b>T</b> I: <b>N</b> A II	VTD	0/	
Fund	Fund #	Budget	This Month Actual	YTD Collected	% Collected	
		•				
GENERAL FUND	10	1,968,461.00	4,183.83	4,183.83	0.21%	
WATER FUND		401,896.00 <b>2,370,357.00</b>	27,339.17	27,339.17	6.80% <b>1.33%</b>	
TOTAL REVENUES GENERAL &	& WATER FUNDS	2,370,357.00	31,523.00	31,523.00	1.33%	
EXPENSES						
			This Month		%	
Dept Name	Fund #	Budget	Actual	YTD Exp	Spent	
GOVERNING BODY	10	56,701.00	4,517.50	4,517.50	7.97%	
ADMINISTRATION	10	380,295.00	39,036.41	39,036.41	10.26%	
PUBLIC BUILDINGS	10	33,004.00	419.88	419.88	1.27%	
POLICE	10	460,410.00	35,310.91	35,310.91	7.67%	
BUILDING AND ZONING	10	124,660.00	2,856.64	2,856.64	2.29%	
PUBLIC WORKS	10	157,342.00	12,153.99	12,153.99	7.72%	
STREET	10	607,397.00	30,907.91	30,907.91	5.09%	
SANITATION	10	118,602.00	11,255.68	11,255.68	9.49%	
ENVIRON,CONS,REC	10	30,050.00	1,000.00	1,000.00	3.33%	
TOTAL EXPENSES GENERAL F	UND	1,968,461.00	137,458.92	137,458.92	6.98%	• •
			This Month		%	
Dept Name	Fund #	Budget	Actual	YTD Exp	Spent	
WATER	30	401,896.00	2,945.17	2,945.17	. 0.73%	
TOTAL EXPENSES WATER FI		401,896.00	2,945.17	2,945.17	0.73%	
TOTAL EXPENSES GENERAL &	-	\$2,370,357.00	\$140,404.09	\$140,404.09	5.92%	

GENERAL FUND INCOME/LOSS - JULY 2019 WATER FUND INCOME/LOSS-JULY 2019 <mark>(\$133,275.09)</mark> \$24,394.00

	5	SPECIAL PROJECTS	5		
				Amount	
			This Month	Spent	%
Project	Fund #	Budget	Actual	To Date	Spent
PUBLIC WORKS BLDG	14	300,000.00	0.00	47,400.89	15.80%
FEMA-GREAYBEARD	15	40,000.00	0.00	2,987.80	7.47%
FEMA-TEXAS ROAD	16	50,000.00	0.00	38,071.55	76.14%
FEMA-PROVIDENCE TERR	17	21,000.00	0.00	15,683.00	74.68%
FEMA-CALVIN TRAIL	20	30,000.00	0.00	13,490.57	44.97%
FEMA-CULVERT PROJECT	21	39,800.00	0.00	39,274.83	98.68%
FEMA-DEBRIS PROJECTS	22	3,200.00	0.00	0.00	0.00%
FEMA-URBAN FORESTRY 2018	23	10,000.00	0.00	841.28	8.41%
FEMA-URBAN FORESTRY 2019	24	12,927.00	0.00	1,477.91	11.43%
FEMA-MISC	25	15,360.00	0.00	10,358.00	67.43%
TOTAL SPECIAL PROJECTS	N/A	\$ 522,287.00	\$-	\$ 169,585.83	32.47%

September 23, 2019

This Construction Contract (the "Contract") is made as of this <u>23</u> day of <u>September</u> 2019 by and between <u>R. Caldwell Orilling</u> <u>Inc</u> and <u>Town of Montreat</u>.

WITNESSETH:

1) Scope of Work:

R (aldwell D filling lnc will provide all materials, services, and labor for the installing of a new pump, 1 1/2 hp-7 gpm, new 1 inch PVC drop pipe (560' feet), and new wire (8-2 w/ground) in the well.

2) Contract Price:

The cost of the work provided is as follows:

New pump installation - \$6,285.00

Tax - \$439.95

Total \$6,724.95

These are subject to any additions and/or subtractions made pursuant to authorized change orders.

3) Payments:

Upon completion of the work described above, the  $10\omega n$  of MonTeat will be billed and payment will be expected in a timely manner (30-60) days.

Signed this 23 day of September, 2019.

Reuben Caldwell Drilling, Inc.

**Town of Montreat Representative** 

After reacting ration t Adam, Henter, Caron, Can 22 Patton Ave. Aplualle WC 28801

STATE OF NORTH CAROLINA

# REGISTERED

OFFER OF DEDICATION

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'E6 AUG 28 P4:20

THIS OFFER OF DEDICATION, made this <u>12th</u> day of <u>May</u>, 1983, <u>by and from</u> MOUNTAILA-RETREAT ASSOCIATION, a North Carolina corporation (hereinafter referred to as "Association") <u>to and in favor</u> of THE TOWN OF MONTREAT, a municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter referred to as "Town");

#### WITNESSETH:

WHEREAS, Association has from time to time recorded in the Office of the Register of Deeds for Buncombe County, North Carolina (hereinafter referred to as the "Register of Deeds") various Plats of properties owned by the Association, a schedule of said Plats being attached hereto as Exhibit "A" and hereinafter referred to as the "Plats"; and

WHEREAS, from time to time some question has arisen as to the extent to which road rights of way and certain additional areas shown on said Plats may have been offered for dedication for use by the public by virtue of the recording by Association of said Plats; <u>and</u>

WHEREAS, Association further wishes hereby to dedicate to Town for the benefit of the public the road rights of way and certain additional areas shown on said Plats and more particularly described herein, which areas are still owned by Association, such dedication, however, being subject to the reservations hereinafter stated;

NOW, THEREFORE, Association hereby states and declares as follows:

(1) There is attached as Exhibit "B" hereto a set of color-coded copies of the Plats referred to in Exhibit "A" attached hereto. Each page of said Exhibit "B" has been initialed by the President of Association and the Mayor of Town as constituting a portion of said Exhibit B'. Incre is also attached hereto as Exhibit "C" a color-coded copy of the official Town Zoning map showing said areas as to general location, Exhibit "C" also being initialed by the President of Association and the Mayor of Town. Said Exhibits "B" and "C" will be separately filed for record in the Office of the Register of Deeds and in the Office of Town's Clerk.

(COLOR-CODED COPIES OF PLATS FILED IN MISCELLANEOUS MAPS FILE) BK | 4 4 3 PG | 4 6

(2) Said color-coding in solid green, red and blue has been made of those portions of said Plats designated as rights of way. Said colorcodings shall signify the following dedication to use of said respectively color-coded areas by Association for the use and benefit of Town and/or the general public as follows, with the exception of any specific notations made and initialed as stated above on the individual pages constituting said Exhibit "B":

Color Code

#### Permitted Uses of Rights of Way

Solid Green

area previously dedicated to public and Town for street and utility right of way purposes by recording of said MRA Plats and previously accepted and presently maintained by Town

-2-

Red

area previously dedicated to public and Town for above purposes by recording of said MRA Plats but with no existing roads previously accepted by Town but not presently maintained by Town

Blue

area previously dedicated to public and Town for above purposes by recording of said MRA Plats, containing existing roads and/or utilities, some of which have been previously accepted and are maintained by Town and some by adjoining property owners

The right of way of all roads shown on Exhibit "B" shall extend to the lot line of all numbered lots abutting upon such right of way in all instances where said right of way is abutted on both sides by numbered lots. Where a numbered lot does not abut on both sides of a right of way as shown on the Plats, the right of way width on the side or sides not abutting a numbered lot shall, except as otherwise noted on said Exhibit "B", be as follows:

Thirty (30) feet from center line

Assembly Drive

Twenty five (25) feet from center line

Assembly Circle Lookout Road Appalachian Way to Oklahoma Road Texas Road Community Circle Louisiana Road to John Knox Road Georgia Terrace Virginia Road between Assembly Drive and Mississippi Road Kanawha Drive from Assembly Drive to Holston Lane

Twenty (20) feet from center line

All other roads

BK 443PC 47

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provided, however, that in no event shall a right of way be deemed to extend into a natural stream bed except where said right of way as shown on the Plats traverses said stream bed.

(3) Said color-coding in hatched green on Exhibit "B" hereto designates areas as to which Association does not acknowledge any previous dedication by Association to Town and/or the public. Association hereby offers for dedication in perpetuity to Town and the public, including Association, said hatched green-designated areas to be used only for recreation, fishing, greenspaces and beautification and for such street, bridge and utility rights of way as Town shall deem reasonably necessary for its use or shall grant to others for such purpose; subject, however, to Association's right hereby expressly reserved to itself to use said areas for said purposes, and further provided that any changes in the present character and natural condition of said hatched green-designated areas (other than for streets, bridges and utility rights of way) shall be as determined by mutual agreement between Town and Association from time to time. In the event that Town shall undertake to make any use of said area or change in said character or condition of said hatched green-designated areas other than as above permitted without agreement with Association, then and in such event, Association at its option may rescind and nullify this Offer of Dedication, whereupon all rights of Town and the Public under this Offer of Dedication shall cease and terminate.

(4) This Offer of Dedication is made by Association conditioned and contingent upon the adoption by Town's Council of a proposed Resolution accepting this Offer of Dedication and acknowledging that Town does not assert any interest in or ownership of the hatched yellow-designated areas shown on Exhibit "B" hereto, over which areas Association asserts sole control, ownership and right of use and transfer to others, subject only to Town's general laws, ordinances and regulations relating to land use, as the same may be in effect from time to time. In the event any portion of said proposed Resolution, once adopted by Town's Council, is in any manner amended or rescinded by subsequent action of Town, the reverter rights reserved to Association under the foregoing Paragraph (3) shall become applicable and enforceable at the option of Association.

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(5) The limitations imposed by this Offer of Dedication upon the uses and ownership of lands not dedicated hereby and presently owned by Association shall not be construed as applicable to (a) any real property owned by Association located outside the existing geographical limits of Town or (b) any real property owned by Association located within the existing geographical limits of Town and not designated in color coding on Exhibit "B" hereto.

IN WITNESS WHEREOF, Association has caused the within Offer of Dedication to be executed by its duly authorized officers the day and year first above written.

(CORPORATE SEAL) ATTEST: Elizaberd S. Lamb By: DelMie

STATE OF NORTH CAROLINA COUNTY OF BUNCOMBE

I, a Notary Public of said State and County, certify that ELIZABETH H. LAMB personally came before me this day and acknowledged that she is Secretary of MOUNTAIN RETREAT ASSOCIATION, a North Carolina corporation, and that, by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by herself as its Secretary.

WITNESS my hand and Notarial Seal, this \_\_12th\_ day of \_\_\_ May 1983.

My commission expires:

May 15, 1985

ella C. Kusher Notary Public

MOUNTAIN RETREAT ASSOCIATION

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I CERTIFY (THIS, IS A TRUE COPY OF THIS DEDICATION.

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# Town of Montreat Town Services Building Waterline Project

Letter of Interest

Submitted October 8th, 2019



October 8th, 2019 Mr. Barry Creasman Town of Montreat 96 Rainbow Terrace Black Mountain, NC 28711

Re: Letter of Interest/Statement of Qualifications - Town Services Building Waterline Project

Dear Mr. Creasman,

We appreciate the opportunity to provide you with our statement of qualifications for the proposed water line project noted above.

As established professionals based in Asheville with a staff that includes twelve Professional Engineers licensed in North Carolina, we have the expertise, staffing, and availability to make any project a great success. We have a thorough understanding of the design and permitting process for all facets of civil engineering. The principals of Civil Design Concepts and the majority of our staff are all natives of Western North Carolina. We pride ourselves on the strong local relationships we have established with municipalities, utility providers as well as regional and state regulatory agencies.

We have worked on a number of water line projects in WNC and consider ourselves exceptional when it comes to designing projects of this nature. We are currently designing or have recently designed waterline projects for Town of Black Mountain, Yancey County Schools and Western Carolina University. We are proud of our ability to design these projects and our dedication to seeing them completed accurately, timely and efficiently with our Construction Administration Team.

We are committed to directly involving the company's principals, construction manager and registered professionals with every aspect of this project to ensure that it is handled with the utmost professionalism and sensitivity. We pride ourselves on being reliable, responsive, accurate, efficient, and we are confident that you would enjoy working with the Civil Design Concepts team. We look forward to the opportunity to meet with you and demonstrate how our experience in Western North Carolina could be an asset for the Town of Montreat. Should you have any questions in the meantime please do not hesitate to contact me.

Respectfully,

Jesse Gardner, P.E.

Civil Design Concepts, PA 168 Patton Ave. Asheville, NC 28801 828-252-5388 jgardner@cdcgo.com

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# **Firm Profile**

Civil Design Concepts, PA is a multi-disciplinary civil engineering consulting firm providing civil engineering design services throughout Western North Carolina. Our firm was established in 2000 and consists of 36 associates including twelve professional engineers with over a century of combined experience. The principals and the majority of our staff members have lived and worked in Western North Carolina most of their lives, instilling a personal desire that development in the area have a positive impact on future generations.

With over 2,000 site development projects completed, we have supported billions of dollars in development in Western North Carolina, East Tennessee and Upstate South Carolina, Civil Design Concepts is widely considered the expert in the region. We are licensed in NC, SC, VA, TN and GA. Our team is composed of engineers, technical, and construction administration staff, with a broad range of experience in site planning, engineering, development and construction oversight. These diverse backgrounds allow us to take a strategic team approach to identifying solutions for the most complex issues.

The Western North Carolina region presents an often-challenging topography, and we strive to minimize impact on the land while maximizing the use and benefit of the property. Our experience in this area has enabled us to develop positive working relationships with local and state regulatory officials - relationships upon which we pride our prompt, efficient and reliable service. Our company is based on ethical conduct, mutual trust, and teamwork, with a primary focus on achieving our clients' objectives. We strive to provide our clients with creative, cost-effective, and timely solutions.

Our services include civil engineering/planning and design services as well as City/Town and regional infrastructure planning, contract administration and construction observation. The following details some of the services we provide:

- Site Planning/Master Planning/ Feasibility Analysis
- Grading/Erosion Control
- Water and Wastewater Infrastructure Extensions/Systems
- Roadway Design
- Storm Water Collection, Detention/Retention Systems, Ponds
- Flood and Hydrology Studies/Environmental Studies/ Permitting
- On-Site Wastewater Systems



# **Construction Services**

Civil Design Concepts, PA also offers an array of construction phase services including construction observation and inspections, construction administration, project management, and contract administration. Our Contract Administration services include the creation and complete administration of the construction contract including the review of applications for payment, controlling and executing change orders, and contract closeout. Proper contract administration manages the owner's and contractor's expectations, maintains construction costs, and is a key factor in a successful project.

The Project Management services provided to our clients are tailored to each project and the client's specific needs. These services can include the complete performance and/or coordination of services such as: master scheduling, maintaining the project record, design survey, geotechnical coordination, construction materials testing coordination, dry utility coordination, site compliance monitoring, and coordination of soil scientists. These services are offered to all municipal and private clientele in our region. We pride ourselves on the professional relationships that we have developed with owners, regulatory staff, and local contractors, which have streamlined our project execution and closeouts.

# Office Locations

	Asheville Office	Waynesville Office
Physical Address:	168 Patton Avenue Asheville, NC 28801	52 Walnut Street - Suite 9 Waynesville, NC 28786
Telephone:	(828 252-5388	(828) 452-4410
Fax:	(828) 252-5365	(828) 456-5455
Principal in Charge:	Christopher Eller, P.E. celler@cdcgo.com	Patrick Bradshaw, P.E. patrick@cdcgo.com
Website:	www.cdcgo.com	





# Jesse M. Gardner, P.E. Director of Design

As Director of Design, Jesse is a detail oriented engineer focused on identifying creative and cost effective design solutions, while still meeting the project requirements.

He has experience in projects that range from private urban infill projects to large municipal infrastructure projects.

Jesse is skilled in road design, utility infrastructure design, grading, storm water management, flood modeling/permitting, and water & sewer pumping stations.

Beginning his professional career in 2004 and joining Civil Design Concepts in 2005, Jesse brings design and regulatory experience to a variety of projects throughout Western North Carolina.

## **Education**

Montreat College B.S. in Mathematics NC State University Masters in Engineering

## Experience

15 Years in the Industry14 Years with Civil Design Concepts

# Registrations

Registered Professional Engineer North Carolina PE# 035687 (2009)

# **Recent Project Experience**

Blue Ridge Elementary School Sewer Avadim Utility Improvements WCU Central Drive Parking WCU STEM Building Mayland Community College Observatory Carrier Park Lawn Bowling Old Toll Road Pump Station City of Asheville Streetscape

# **Staff Resources**



Noble Residence Hall - Cullowhee, NC



AC Hotel - Asheville, NC



Iolta Valley School - Macon County Schools





# Jason Pass Construction Manager

Jason brings attention to detail in projects ranging from small local developments to complex multi-tier international design build installations, overseeing every aspect

of the project from initial development through project completion.

In his current role as Construction Manager, Jason is adept at working with the design team and the client from project inception. Jason acts as a knowledgeable and resourceful team member for the benefit all vested parties. Drawing on his years of experience, Jason helps guide the project team in navigating complex rules, regulations, and ordinances. He prides himself in working with contractors and municipalities to ensure that projects meet deadlines, budget constraints and compliance requirements.

# Education

Appalachian State University

# Experience

17 Years in the Industry14 Years with Civil Design Concepts

# **Recent Project Experience**

Avadim Utility Improvements Old Toll Road Pump Station WCU Noble Residence Hall WCU STEM Building WCU Upper Campus Residence Hall HCC Freedlander Drive Roadway Project UNCA Edgewood Road Parking Lot NC State Veterans Nursing Home



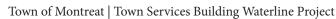
WNC Veterans Cemetery - Black Mountain, NC



Carrier Park - Asheville, NC



Foundation Studios - Asheville, NC





# **Project Experience**



## **Project Dates**

Design began in Spring 2016 Competed in Summer 2017

## **Project Staff / Roles**

Jesse Gardner, P.E. Project Manager Jason Pass Construction Manager

## **Client Contact**

Josh Harold Town Manager 160 Midland Avenue Black Mountain, NC 28711 828-419-9300, ext. 311 josh.harold@townofblackmountain.org

# Town of Black Mountain Old Toll Road Pump Station

Civil Design Concepts worked closely with the City of Asheville and the Town of Black Mountain to design a new pump station on Old Toll Road. This project added a new 700,000 gallon per day water pump to increase service to The Town of Black Mountain Residents.

This project allows for about 600 new customers to have their water supplied by the Town of Black Mountain. It was paid for by Golden Leaf Foundation funds and adds increased capacity to the Town to serve its citizens as well as provide water to attract business to Commerce Park in Black Mountain.

Civil Design Concepts designed approximately 1,970 linear feet of 6-inch water main, hydrants, valves and other appurtenances along Old Toll Road from the existing water main along Old US Highway 70 to the proposed pump station. CDC provided construction management to this project, as well as obtaining all necessary permits.





## **Project Dates**

Design began in Winter 2018 Competed in Fall 2019

Project Cost \$800,000

# **Project Staff / Roles**

Jesse Gardner, P.E. Project Manager Jason Pass Construction Manager

# **Client Contact**

Jamie McMahan Planning and Economic Development Director 110 Town Square, Room 11 Burnsville, NC 28714 (828) 682-3971 jamie.mcmahan@ yanceycountync.gov

# Yancey County Schools Sewer Line Extension Project

Yancey County partnered with Civil Design Concepts for engineering services and subsequent implementation of the public sewer extension project.

Yancey County used a CDBG-I Public Schools Infrastructure grant from the NC Department of Environmental Quality to provide sewer improvements to Blue Ridge Elementary School and Cane River Middle School. Each school serving approximately 350 students each.

CDC designed system improvements, obtained necessary permits and regulatory approvals, and provided construction observation for this project.

The project consisted of design and permitting for roughly 7,000 Linear feet of force main sewer line together with a corresponding pump station all within NCDOT right of way.







# **Town of Black Mountain** *Water and Sewer Line Extension Project*

The Town of Black Mountain received a funding assistance from United States Economic Development Administration and the Golden Leaf Foundation to extend water and sewer infrastructure. The infrastructure investment will enable construction of a new 100,000 square foot facility critical to Avadim Technologies' expansion to meet current demand and future economic potential.

Civil Design Concepts partnered with The Town of Black Mountain, Metropolitan Sewerage District of Buncombe County (MSD) and the NCDOT to design over 4000 feet of water line, over 2000 feet of wastewater lines and a pump station to serve as a critical upgrade to the Towns infrastructure.

Our scope includes a water booster station, boring of I-40, major stream crossing, Army Corps of Engineer permitting, NCDOT permitting, and Construction Administration. CDC is performing services for the site-related elements of project. This project is unique due to the coordination between multiple municipalities, government agencies and private businesses.

We assisted County staff with the construction bid packages in conformance with applicable federal requirements and supervised the bid advertising, tabulation, and award process, including preparing the advertisements for bid solicitation, conducting the bid opening, and issuing the notice to proceed.

# **Project Dates**

Design began in Winter 2018 Expected Completion Fall 2019

Project Cost

\$1,650,000

# **Project Staff / Roles**

Jesse Gardner, P.E. Project Manager Jason Pass Construction Manager

# **Client Contact**

Josh Harold Town Manager 160 Midland Avenue Black Mountain, NC 28711 828-419-9300, ext. 311 josh.harold@townofblackmountain.org





## **Project Dates**

Design began in Winter 2017 Competed in Fall 2017

Project Cost

\$900,000

## **Project Staff / Roles**

Jesse Gardner, P.E. Project Manager Jason Pass Construction Manager

## Client Contact

Western Carolina University Joe Walker, P.E. Associate Vice Chancellor for Facilities Management 3476 Old Cullowhee Rd Cullowhee, NC 28723 jwalker@email.wcu.edu 828-227-7411

# Western Carolina University Memorial Drive Infrastructure Project

Western Carolina Universities renaissance continues with supporting infrastructure to meet the needs of the growing student body.

Memorial Drive is being widened to serve the proposed STEM building to be located near Hunter Library. The widening of Memorial Drive includes perpendicular parking along both sides of the road, with sidewalks, and the expansion of the two way travel lanes.

Civil Design Concepts prepared full site development plans, including roadway, storm drainage, waterline extension, sewer relocation plans as well as Contract Administration and Construction Observation services.



# References

## Western Carolina University

Joe Walker, P. E., Director of Facilities Management 3476 Old Cullowhee Rd Cullowhee, NC 28723 828-227-7411

## Haywood Community College

Brek Lanning, AIA LEED AP Director of Campus Development 185 Freedlander Drive Clyde, NC 29721 (828) 565-4027

## Pulliam Properties, Inc.

Rusty Pulliam, President & CEO 2 Walden Ridge Drive – Suite 70 Asheville, NC 28803 (828) 684-4344

## Mountain Housing Opportunities, Inc.

Cindy Weeks, Development Manager 64 Clingman Ave., Suite 101 Asheville, NC 28801 (828) 254-4030 ext. 111

## **Buncombe County Board of Education**

*Tim Fierle, AIA, Director of Facilities 175 Bingham Road Asheville, NC 28806 828-255-5916* 

## NC Department of Veterans Affairs

Jimmy Woodard, Facilities Manager 413 N. Salisbury St. Raleigh, NC 27603 984-204-2989



Freedlander Drive - Haywood Community College





Asheville Office • 828.252.5388 168 Patton Avenue Asheville, NC 28801 Waynesville Office • 828.452.4410 52 Walnut Street, Suite 9 Waynesville, NC 28786

www.cdcgo.com

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

# RESOLUTION #19-10-001 AUTHORIZING THE MAYOR TO SIGN AND EXECUTE A SETTLEMENT AGREEMENT AND RELEASE BINDING THE TOWN TO THE TERMS THEREIN

**WHEREAS**, an Appeal from the Zoning Administrators Determination was filed for Certificates of Occupancy and Compliance issued on May 16, 2019 for the property located at 322 Texas Road; and

WHEREAS, an Appeal from the Zoning Administrator's Determination for an Administrative Approval and Agreement dated September 25, 2018 was filed regarding construction of parking spaces in the Town right-of-way adjacent to the property located at 322 Texas Road; and

WHEREAS, the Appeal from the Zoning Administrator's September 25, 2018 decision to issue a Zoning Compliance Application and Certificate and a Hillside Development Application and Certificate was dismissed by Order the Town's Zoning Board of Adjustment on May 24, 2019; and

WHEREAS, a Writ of Certiorari was issued on July 1, 2019 in Buncombe County, General Court of Justice, Superior Court Division, allowing a review of the Zoning Board of Adjustment's May 24, 2019 Order; and

WHEREAS, N.C.G.S. 160A-388(b1)(10) states the parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution; and

WHEREAS, the Town of Montreat authorized the Mayor Tim Helms by Resolution #19-09-0001 to enter into mediation with the property owners of 322 and 324 Texas Road on October 7, 2019; and

**WHEREAS,** that the Town of Montreat Board of Commissioners authorized the Mayor to negotiate in good faith a reasonable resolution to this matter, including monetary payment and/or work performed by Town staff in lieu of monetary payment.

**NOW THEREFORE BE IT RESOLVED,** that the Town of Montreat by this Resolution authorizes the Mayor to sign and execute a settlement agreement and release binding the Town to the terms therein.

**READ, APPROVED AND ADOPTED,** this the 10th day of October, 2019.

[SEAL]

Tim Helms, Mayor

ATTEST:

I hereby certify that this is a true and correct copy of this Resolution, duly adopted by the Town of Montreat on the 10th day of October, 2019 as it appears of record in the official minutes.

Angie Murphy Town Clerk