Town of Montreat
Board of Commissioners Meeting – Public Forum
April 11, 2023 – 6:30 p.m.
Town Hall

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
April 11, 2024 – 7:00 p.m.
Town Hall

I. Call to Order

- Pledge of Allegiance
- Moment of Silence

II. Agenda Adoption

III. Mayor's Communications

IV. Consent Agenda

A. Meeting Minutes Adoption

- March 14th Public Forum Meeting Minutes
- March 14th Town Council Meeting Minutes
- March 22nd Special Meeting Minutes – Budget Workshop

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

VI. Town Manager's Communications

- Consent Agenda Review
- Other Items

VII. Administrative Reports

- Administration
- Planning and Zoning
- Police
- Public Works and Water
- Sanitation
- Streets
- Finance
- March Building Permit Information

VIII. Public Comment

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

IX. Old Business

A. Proposal to Provide Legal Services
- **Presenter: Savannah Parrish**
- **See Agenda Materials: pages 30-40**
- **Suggested Motion: Move to approve/deny the Proposal for Legal Services as presented/amended**

X. New Business

A. Utility Billing Policy & Procedure – Discussion Only
- **Presenter: Savannah Parrish**
- **See Agenda Materials: pages 41-55**

B. Earth Day Proclamation
- **Presenter: Savannah Parrish**
- **See Agenda Materials: pages 56-57**
- **Suggested Motion: Move to approve/deny the Earth Day Proclamation as presented/amended**

C. 55th Annual Municipal Clerks Week Proclamation
- **Presenter: Savannah Parrish**
- **See Agenda Materials: page 59**
- **Suggested Motion: Move to approve/deny the Municipal Clerks Week Proclamation as presented/amended**

XI. Public Comment

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

XII. Commissioner Communications

XIII. Dates to Remember

- **Board of Adjustment – Board Training, April 17th at 11:00 a.m. in Town Hall**
- **Bearwise/Montreat Presbyterian Church: "Know Your 3 B's-Bears, Behavior and Biology" with Ashley Hobbs. Wednesday April 17th at 4:00 p.m. in Town Hall. Refreshments at 3:45 p.m.**
- **Tree Board, Tuesday April 23rd at 9:30 a.m. in Town Hall with Zoom options**

- **Hillside Development Ordinance Subcomittee, April 24th at 9:00 a.m. in Town Hall**
- **Planning & Zoning Commission, Thursday April 25th at 10:30 a.m. in Town Hall with Zoom options**
- **Board of Adjustment, Thursday April 25th at 5:00 p.m. in Town Hall with Zoom options**
- **Landcare, Wednesday May 1st at 9:00 a.m. in Town Hall with Zoom options**
- **Native Plant Sale & Arbor Day Celebration, May 4th 9 a.m. to 2:00 p.m. at Moore Center Field**
- **May Town Council Meeting, Thursday May 9th at 7:00 p.m. Public Forum to begin at 6:30 p.m. with Zoom options**
- **Open Space Conservation Committee Meeting, Tuesday May 14th at 3:30 p.m. in Town Hall**
- **Tree Board, Tuesday May 28th at 9:30 a.m. in Town Hall with Zoom options**

XIV. Adjournment

Town of Montreat
Board of Commissioners
Public Forum Meeting Minutes
March 14, 2024 – 6:30 p.m.
Town Hall

Board members present:	Mayor Tim Helms Commissioner Jane Alexander Commissioner Tom Widmer Mayor Pro Tem Mason Blake Commissioner Grant Dasher
Board members absent:	Commissioner Kitty Fouche
Town staff present:	Savannah Parrish, Town Manager Angie Murphy, Town Clerk

Approximately twenty members of the public were present. Mayor Tim Helms called the meeting to order at 6:30 p.m. and led the group in a moment of silence.

Agenda Approval

Commissioner Jane Alexander moved to adopt the agenda as presented. Commissioner Grant Dasher seconded, and the motion carried 4/0.

Public Forum

Mayor Helms advised those in attendance that the evening's Public Forum was going to be a little bit different this month. Mayor Helms stated that the Commissioner's had been talking amongst themselves about ways to honor Reverand Billy Graham. Commissioner Tom Widmer had suggested that an honorarium be instituted on Assembly Drive in his honor. Mayor Helms advised that the name Assembly Drive will remain the same, but a sign will be placed on top of the current street sign indicating the honorarium of Billy Graham Way. Mayor Helms stated that the Commission wants to know what Montreator's think about the idea.

Wade Burns of 779 Foreman Siding Road thought the name Assembly Drive was an important part of Montreat history. Mr. Burns stated that Reverand Graham was not all about his name but was more concerned with his ministry. Mr. Burns suggested a historical marker be placed in Montreat with a message about his ministry.

Sally Giles of 426 Kentucky Road felt that Mrs. Ruth Graham was the real reason they lived in Montreat and that if anything was done in honorarium it should include both of their names.

Tom Frist of 98 Frist Road appreciated that the Commissioners are trying to honor Reverand Graham, but he had always hoped that when the Texas Road Pedestrian Bridge was completed that a park could be added in both of their names. Mr. Frist also stated that Mrs. Ruth Graham was the real reason the Graham family was in Montreat. Mr. Frist also stated that he felt like the mockup street was slightly confusing.

Mary Jo Clark of 218 Virginia Road reflected briefly on Montreat history and stated that she did agree that a memorial would be nice somewhere else in Montreat. Ms. Clark stated that she does not want the Town to get involved with renaming the streets after people.

Commissioner Tom Widmer advised that a decision has not been made because Council really wanted to hear what everyone thought about the idea of recognition. Commissioner Widmer also stated that in tomorrow's Montreat Minute a survey about the honorarium would be included to capture more opinions.

Clary Phipps of 106 John Knox Road suggested that the honorary name should appear on the Montreat Gate over Assembly Drive. Mayor Helms advised that the Town of Montreat did not own the Montreat Gate.

William Brown of 218 Virginia Road acknowledged that some sort of recognition would be nice, but the current suggestion does not "fit" for him.

Mayor Tim Helms opened the forum up for any other comments.

Wade Burns of 779 Foreman Siding Road spoke again this time in support of an agenda item to be discussed later at the March Town Council meeting. Mr. Burns was speaking of the request for a text amendment to the Montreat Zoning Ordinance to allow a Montreat property owner, on Harmony Lane, to access his property with a driveway. Mr. Burns stated that he hoped the Council would do everything they could to allow access to the few lots left in Montreat to be developed.

Nancy Midgette of 160 Oak Lane asked if there had been any progress made on how Town staff will collect and dispose of leaves this fall. Ms. Parrish stated that Public Works staff were brainstorming other options for collection methods but as of right now Town staff is happy with the efficiency of the current collection method. Ms. Parrish also stated it would be more difficult to add a leaf vacuum truck because that would necessitate the hiring of another staff person which the Town does not have the funds allocated for at this time. Ms. Parrish also stated that more discussion of this issue would occur at future Budget Workshop meetings. Ms. Midgette stated she was glad that staff was happy with the current collection method but many of the residents who rake and bag their leaves were not happy.

Adjournment

Commissioner Tom Widmer moved to adjourn the meeting. Mayor Pro Tem Mason Blake seconded, and the motion carried 4/0. The meeting was adjourned at 6:50 p.m.

_____	_____
Tim Helms, Mayor	Angie Murphy, Town Clerk

Town of Montreat
Board of Commissioners
Meeting Minutes
March 14, 2024 – 7:00 p.m.
Town Hall

Board members present:	Mayor Tim Helms Mayor Pro Tem Mason Blake Commissioner Grant Dasher Commissioner Tom Widmer Commissioner Jane Alexander
Board members absent:	Commissioner Kitty Fouche
Town staff present:	Savannah Parrish, Town Manager Angie Murphy, Town Clerk David Arrant, Patrol Chief Barry Creasman, Public Works Director Rachel Eddings, Finance Officer

Approximately twenty members of the public were present at Town Hall and several more were watching via Zoom. Mayor Tim Helms called the meeting to order at 7:00 p.m. and led the group in the pledge of allegiance and a moment of silence. Mayor Helms asked everyone to remember Interim Town Manager Ben Blackburn whose father recently passed away.

Agenda Adoption

Commissioner Jane Alexander moved to adopt the agenda as presented. Commissioner Grant Dasher seconded, and the motion carried 4/0.

Texas Road Bridge Discussion – Jesse Garner, Civil Design Concepts

Mayor Tim Helms asked Mr. Gardner to briefly recap his plan for the Texas Road Pedestrian Bridge. Mr. Gardner stated this his firm, Civil Design Concepts, has done a lot of prefabricated bridge work for both residential homes and institutions like Western Carolina University. Mr. Gardner stated that a prefabricated bridge would be shipped and then later installed. Mr. Gardner also stated that they were customizable to a certain extent. Mr. Garnder stated that when he reached the design phase he would come back before the Board or the Design Committee to show the customizable options. Mr. Gardner's main job would be to engineer and permit the bridge to make sure the bridge was ready prior to construction. Mr. Gardner would also help Public Works Director Barry Creasman put the job out for bid and secure a contractor to do the work. Mr. Gardner stated that new abutments would have to be placed and then the bridge would be delivered and bolted into place. Mr. Gardner advised that it was a very cost-effective solution for this type of project. Commissioner Jane Alexander asked if the prefabricated bridge would be the same width as the current bridge. Mr. Gardner stated that a pedestrian bridge would not need to be 20 feet wide, and,

in his mind, he would recommend a 6- to 10-foot-wide bridge. Mr. Gardner also stated that the first steps would be to obtain a full survey of the whole area, map the creek and floodplain and locate sewer lines and water lines. Then drilling would occur, and a new concrete abutment would be put in place. Mr. Gardner advised that the current quote for a basic prefabricated bridge, all in, would be $260,000. Commissioner Widmer asked if the abutments would be strong enough to hold a structure to convert to a covered bridge. Mr. Gardner stated that the structure would be steel rather than wood so he would need to know prior to the design process if a cover would be placed. He also stated that there were covering options for covered bridges, but his quote does not cover that cost.

Leaf Blower Emissions Information Presentation – Jim Williamson

Mr. Williamson stated that gas powered leaf blowers threaten the peace and the healthy environment of Montreat. Mr. Williamson also stated that if you were to use the bestselling gas-powered leaf blower for an hour it will emit as much smog-forming pollution as a 2016 Toyota Camry does driving for 1100 miles. He went on to say that leaf blowers are highly inefficient and release several levels of deadly pollutants. Mr. Williamson stated that Montreat strives to be a wildlife-friendly community, but leaf blowers disrupt the habitats for critical pollinating species such as bees, butterflies and moths, amphibians and small mammals. Gas powered leaf blowers can damage hearing as well. Consumer Reports gave electric devices an average score of 2.9 for noise at the ear compared to 1.7 for gas models. Mr. Williamson stated that electric leaf blowers use rechargeable batteries which can be swapped throughout the day if necessary. Many local governments are leading by example and adopting electric lawn equipment for their own facilities and adopting policies that phase out use of gasoline powered equipment over time. Mr. Williamson stated that as a safe, healthy, peaceful, wildlife-friendly community, Montreat needs to move towards more sustainable lawn care practices. On behalf of the recommendation of the Landcare Committee, Mr. Williamson recommended that Montreat Town Council consider this presentation for educational purposes and further study.

Mayor's Communications

Mayor Tim Helms announced that the Town of Montreat had earned Tree City USA designation from the national Arbor Day Foundation for the ninth consecutive year.

Meeting Minutes Adoption

- February 8th Public Forum Meeting Minutes
- February 8th Town Council Meeting Minutes

Town Manager's Communications

Town Manager Savannah Parrish advised that former police officer, Morgan Bocanegra, had returned to Montreat as a full-time employee. Residents and guests can find Officer Bocanegra on the night shift for a while. Ms. Parrish also announced that the Town has a new water billing platform which will be elaborated on in tomorrow's Montreat Minute. It is a portal where utility customers can make payments, schedule recurring payments, enroll in auto pay and view transaction and consumption history.

Administrative Reports

- Administration – This report was given in written format.
- January & February 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.
- February Building Permits – This report was given in written format.

Commissioner Tom Widmer had questions about the dumpster haul fees tripling over the last few months. Public Works Director Barry Creasman stated that the trash volume had almost doubled in Town.

Public Comment

Letta Jean Taylor of 386 Oklahoma Road thanked Daniel Wiggs and Barry Creasman for fixing the pothole on Lookout Road last week. Mrs. Taylor stated that she hoped the Council would allocate funds in the upcoming budget for road repairs and increases to staff salaries.

Arrington Cox of 203 Virginia Road, and chair of Landcare Committee, thanked Council for approving the Wynne-Lithia Creek Beautification Proposal and the Pigeon River Grant Application Request.

Old Business

There was no Old Business to discuss.

New Business

A. NC Terrace Beautification Efforts: Wynne-Lithia Creek: Ms. Jane Holt of 229 North Carolina Terrace stated that the neighbors at the end of NC Terrace had a concern that they shared with the Landcare Committee. The concerns revolve around the creek and banks of the creek just below Wynne-Lithia Spring on NC Terrace. Ms. Holt stated that the creek's natural vegetation had been cleared and the flow of the water in the ephemeral stream had been diverted from its natural course and it's now overgrown with grasses and native plants. The NC Terrace neighbors, Ellen and Gary Henschen, Robert Hope, Bob Wynne, Jane Holt and Mari Gramling, have long wanted to correct the unnatural course of growth within the creek banks by removing some of the invasive species and planting native seed-grown Appalachian shrubs and wildflowers. The neighbors have discovered that the Carolina Native Nursery in Burnsville grows only native Appalachian plants from seeds. They have developed a plan for adding to the creek and its banks, plants that will be purchased and donated by the NC Terrace Neighbors. The NC Terrace Neighbors were here tonight to get Council's permission to purchase at their own expense native Appalachian shrubs and wildflowers from the Carolina Native Nursery at their own expense. Mayor Helms suggested reaching out to Public Works Director/Town Arborist Barry Creasman and Town Arborist Daniel Wiggs for their advice. Commissioner Jane Alexander moved to approve the NC Terrace Beautification Efforts at or near Wynne-Lithia Creek. Commissioner Grant Dasher seconded, and the motion carried 4/0.

B. Pigeon River Fund Grant Proposal: Patti Pyle of Chapman Road was at the meeting, on behalf of Landcare, with another grant proposal in a series of grants they are applying for to benefit the Flat Creek Crossing Project. This grant is managed by the Community Foundation of WNC. This grant supports projects to improve streams and rivers in Buncombe, Haywood, and Madison counties. To be eligible for this grant a project must address any of the following target areas: improving surface water quality, enhancing fish and wildlife management and habitats, expanding public access, and increasing citizen awareness about their roles in protecting these resources. Ms. Pyle feels that Flat Creek Crossing is a good candidate for this grant because the project hits all four target areas. The grant is a one-year reimbursable grant with eligible amounts from $5,000 to $35,000 with awards announced May 1st. Ms. Pyle advised that Flat Creek Crossing's designer/contractor has broken the project down into seven phases of planned work. The proposal this evening centers around phase three. The request for the Pigeon River Fund is $34,065 which is needed to stabilize the creek bank and return it to its natural state, remove debris, remove invasive species, and extend and improve the riparian buffer with additional native plantings. Ms. Pyle advised that they hope to start work in August after the busy summer season has ended. Ms. Pyle advised that they've had several conversations with the Senior Program Officer of the Pigeon River Fund, met with Kayla DiCristina about permitting, and discussed grant eligibility with Savannah Parrish. Commissioner Grant Dasher moved to approve the Pigeon River Fund Grant Proposal while allowing for possible minor modifications. Commissioner Tom Widmer seconded, and the motion carried 4/0.

C. TA-2024-01 – Text Amendment Public Hearing: Zoning Administrator Kayla DiCristina advised that this Text Amendment came before the Board at the February Town Council meeting. Ms. DiCristina advised this request was an amendment to the Montreat General Ordinance (MGO) specifically the stormwater ordinance section regarding the built upon area buffer and potentially allowing an exception to the requirement. Ms. DiCristina advised that in tonight's packet was a recommendation from the Planning & Zoning Commission (PZC). The PZC, on February 14th, reviewed the application and proposed alternative language to what the applicant proposed. Mayor Pro Tem Mason Blake worked with several of the PZC members to craft the alternative language.

Commissioner Jane Alexander moved to open the Public Hearing. Mayor Pro Tem Mason Blake seconded, and the motion carried 4/0.

There were no public comments.

Commissioner Tom Widmer moved to close the Public Hearing. Commissioner Jane Alexander seconded, and the motion carried 4/0.

D. TA-2024-01 – Adoption Ordinance: Mayor Pro Tem Blake moved to adopt TA-2024-01, with as-written recommendations from the Planning & Zoning Commission for revisions to Ordinance #24-03-0001. Commissioner Jane Alexander seconded, and the motion carried 4/0.

E. Nomination and Appointment of George Sawyer to Board of Adjustment: Mayor Pro Tem Mason Blake moved to nominate and appoint George Sawyer to Board of Adjustment for a term of three years to expire on 01/31/2027. Commissioner Jane Alexander seconded, and the motion carried 4/0.

F. Discussion/Adoption of Fund Balance Policies: Ms. Parrish directed the members of the Commission to page 96 of the meeting packet which contained a proposed Fund Balance Policy as prepared by Mayor Pro Tem Blake with input from the Town auditors', the Local Government Commission (LGC) and Finance Officer Rachel Eddings. Everyone involved feels comfortable with the finished proposal. Mayor Pro Tem Mason Blake advised the proposed policy establishes an available fund balance ratio requirement. Mayor Pro Tem Blake also said that the Town's current fund balance percentage is 35% but he recommends raising it to 40%. Mayor Pro Tem Blake also discussed the accessible (spendable) fund reserves requirement and recommended setting it at $500,000. Commissioner Tom Widmer feels that if the accessible fund reserve requirement is too high it could potentially take away from the Town's working cash and possibly keep projects from being completed. Mayor Pro Tem Mason Blake suggested the amount to $400,000. Mayor Pro Tem Mason Blake moved to approve Fund Balance Policy, Alternative #3 and a fund balance percentage of 40%. Commissioner Tom Widmer seconded, and the motion carried 4/0. Mayor Pro Tem Mason Blake moved to approve the accessible fund reserve requirement to be $400,000. Commissioner Jane Alexander seconded, and the motion carried 4/0.

G. Proposal to Provide Legal Services – Discussion only: Town Manager Savannah Parrish advised that the legal firm of Allen Stahl & Kilbourne had been doing some work for the Town of Montreat and they had expressed interest in becoming our Town Attorney. Ms. Parrish found them to be very responsive and professional. Ms. Parrish had spoken with Mayor Pro Tem Mason Blake about adjusting their scope of representation to include only twelve Board of Commissioner meetings and a combination of twelve Board of Adjustment/Planning & Zoning Commission meetings. Ms. Parrish advised that she would contact the firm about changing their scope of representation and set up a meeting between the firm and the Commission for discussion of legal services.

H. Town & State Dinner/City Vision – Discussion Only: Mayor Pro Tem Mason Blake advised that last year he and Commissioner Jane Alexander attended the Town & State Dinner in Raleigh and had a very enjoyable time meeting with legislators. This year the dinner is being held in Hickory (as one of the regional meetings) on April 3rd from 5:00 p.m. until 8:00 p.m. Mayor Pro Tem Blake encouraged all the Council members to attend. Mayor Pro Tem Blake also mentioned that City Vision will be held April 23rd to April 25th in Winston-Salem. Mayor Helms also encouraged the Council members to attend the Town & State Dinner in Hickory to meet with the delegates for this area.

Public Comment

Mrs. Letta Jean Taylor thanked the Commission for adjusting the fund balance percentage.

Commissioner Communications

Commissioner Tom Widmer reminded everyone that the February water bills were missing mandatory MSD sewer fees so there would be two months' worth of sewer charges on the March water bills. This reminder would also be discussed in the current Montreat Minute.

Dates to Remember

- Board of Commissioners Budget Workshop, Friday March 22nd at 2:00 p.m. in Town Hall with Zoom options
- Tree Board, Tuesday March 26th at 9:30 a.m. in Town Hall with Zoom options
- Board of Adjustment Meeting, March 28th at 5:00 p.m. in Town Hall with Zoom options
- Landcare, Wednesday April 3rd at 9:00 a.m. in Town Hall with Zoom Options
- April Town Council Meeting, April 11th at 7:00 p.m. in Town Hall with Zoom Options. Public Forum to begin at 6:30 p.m.

- Bearwise/Montreat Presbyterian Church: "Know Your 3 B's-Bears, Behavior and Biology" with Ashley Hobbs. Wednesday April 17th at 4:00 p.m. in Town Hall. Refreshments at 3:45 p.m.
- Tree Board, Tuesday April 23rd at 9:30 a.m. in Town Hall with Zoom options
- Planning & Zoning Commission, Thursday April 25th at 10:30 a.m. in Town Hall with Zoom options
- Board of Adjustment, Thursday April 25th at 5:00 p.m. in Town Hall with Zoom options

Adjournment

Commissioner Jane Alexander moved to adjourn the meeting. Commissioner Grant Dasher seconded, and the motion carried 4/0. The meeting was adjourned at 8:15 p.m.

_____ _____

Tim Helms, Mayor Angie Murphy, Town Clerk

Board members present: Mayor Tim Helms
Mayor Pro Tem Mason Blake
Commissioner Jane Alexander
Commissioner Mason Blake
Commissioner Kitty Fouche
Commissioner Tom Widmer

Board members absent: None

Town staff present: Savannah Parrish, Town Manager
David Arrant, Chief of Police
Barry Creasman, Public Works Director
Rachel Eddings, Finance Officer

One member of the public was present at Town Hall.

Agenda Adoption

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

Budget Workshop 2024-2025 Fiscal Year Budget

Town Manager Savannah Parrish stated that her goal for this meeting was to have a conversation about the 2024-2025 Fiscal Year Budget and to discuss broad priorities. Ms. Parrish stated that she would be referring to the data from the Board of Commissioners Retreat which was held in October of 2023. Ms. Parrish also intended to discuss the 2024 Buncombe County Living Wage, a Cost-of-Living Adjustment (COLA), and a discussion of the next steps in the annual budget process.

Review of established priorities from the Oct. 2023 retreat and discussion of budget goals:

Ms. Parrish reviewed the goals that the Commission identified as a high priority strategic focus area.

Public Works

- Finish pedestrian bridge.
- Continue implementation of the metering improvements project.
- Continue ongoing development of stormwater plan.

Environment

- Continue chestnut replanting efforts.
- Finish Lake Susan dredging project (currently occurring)

There was also mention of issues related to public safety, staffing and community engagement.

Ms. Parrish's priority for this budget year is to finish the Texas Road Pedestrian Bridge. Ms. Parrish would like to make sure that the staff is being adequately taken care of, which will lead to a discussion about the Buncombe County Living Wage and the COLA. Ms. Parrish advised that she did not anticipate revenues to increase, but she does anticipate an increase in expenses.

Mayor Helms would like to see the Texas Road Pedestrian Bridge completed as well. Mayor Helms suggested that the money for the Pedestrian Bridge be split between two budget years. Mayor Helms also mentioned that he would like to see the final repairs on Texas Road, damaged from Tropical Storm Alberto, finished up.

Ms. Parrish suggested researching financing as an alternative for funding the Pedestrian Bridge. Mayor Helms asked Ms. Parrish to proceed with that research.

Mayor Helms asked Public Works Director Barry Creasman how far along he was to complete the repairs from damage by Tropical Storm Alberto to Texas Road. Mr. Creasman advised that staff are scheduled to start work on April 15th as soon as the trout moratorium is lifted. Mr. Creasman also advised that he is going to try to maintain an 18-foot roadway and install a concrete curb to mitigate the water that hits that area to decrease failure in the future. Commissioner Tom Widmer questioned how much of the $138,000 in Fund 28 is committed to the Texas Road project.

Commissioner Tom Widmer would love to see the sidewalk between Town Hall and the driveway to the Columbarium completed. Commissioner Widmer mentioned that Mr. Creasman wanted to fix a culvert in that area before completing the sidewalk project but suggested fixing the sidewalk from Town Hall to the Gate to get the project started. Commissioner Widmer would also like to explore a leaf vacuum system which is mentioned a lot by residents and guests. Ms. Parrish advised Council that a leaf vacuum system would mean the addition of another employee to the Public Works team. Mr. Creasman stated that with the number of leaves that would need to be collected a full-time seasonal employee would need to be hired. Mr. Creasman also stated there would be an issue with disposal of the leaves because the Town does not currently have a place to dispose of the leaves. Ms. Parrish stated that Town Staff would investigate several different options.

Commissioner Kitty Fouche stated that she has long wanted to see golf carts allowed on the streets in Montreat. Commissioner Jane Alexander has done a little research, and it is more than just needing direction from Council. There needs to be parking options and liability insurance. Commissioner Alexander would like to do a little more research on the matter.

Mayor Helms would like to see the metal guardrail on Lookout Road replaced and asked if it was a

project that could be budgeted. Mr. Creasman advised that he received some quotes for a wooden guardrail and a rock knee wall.

Mayor Pro Tem Mason Blake would like to try to make progress every year on street paving, especially streets that currently are not paved. Mr. Creasman advised that for this year he is looking at paving Overbrook Road, which is currently gravel, and Arkansas Trail.

Commissioner Kitty Fouche asked about progress with the falling bank on Suwannee Drive. Mayor Helms had spoken to Grace Nichols, a resident on Suwannee Drive and she was going to poll the neighbors and see if they were still concerned about the bank. Mrs. Nichols has not responded thus far.

Ms. Parrish stated that she and Finance Officer Rachel Eddings were unclear if the intention to implement the Living Wage was a one-time increase, which occurred last year, or if Council wanted to increase every year. As of January, the Buncombe Living Wage moved up $2.00 from $20.10 to $22.10. Ms. Parrish stated that for budgetary purposes staff needs some clarification. Ms. Parrish stated that there are currently four employees making below the Living Wage. Ms. Parrish also intends to recommend a 5% COLA raise for all employees in the budget. The annual impact on the budget with this increase would be $25,919. Commissioner Tom Widmer asked if staff had considered merit increases instead of a COLA adjustment. Ms. Parrish feels that it is important to give staff an increase due to the increase in housing costs. Ms. Parrish also stated that Montreat is limited by revenue challenges. Ms. Parrish also mentioned that employee retention would be important as the years go by because people in general are moving away from public service. Ms. Parrish stated that the Town of Montreat has a really good staff, and she would like to do whatever possible to help them while still being justifiable to the taxpayers. Commissioner Widmer would like Ms. Parrish to research what exactly the Buncombe County Living Wage includes.

Ms. Parrish stated that at the end of April/first of May she plans to provide the Council with a formal document to really focus on the budget numbers and what was discussed today.

Commissioner Kitty Fouche asked if there were any big-ticket items to be placed on the budget. Ms. Parrish stated that she and Mr. Creasman would like to see money allocated for the Texas Road Pedestrian Bridge, a conversation needs to occur about potentially raising the minimum starting salary to attract quality candidates to the police department, and a police vehicle has met the 10-year, 100,00o mile mark to be replaced.

Commissioner Jane Alexander moved to adjourn the meeting. Commissioner Kitty Fouche seconded, and the motion carried 5/0.

_____ _____

Tim Helms , Mayor Angie Murphy, Town Clerk

TOWN OF MONTREAT
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 March 2024

Monthly Statistics	2023	2024
Public Meetings	7	8
Inter-Organizational /Intergovernmental Meetings	1	0
Agendas Prepared	5	6
Minutes Transcribed	5	4
Resolutions Drafted	0	1
Public Records Requests Processed	2	4
Water Bills Processed and Mailed	681	686
Water Bills Processed and Emailed	NA	11
Leak Adjustments	2	2
New Water Accounts Established	0	0
Professional Development Hours	85	59.5
Sunshine List Messages		20
Website Posts	21	20
Social Media Posts	25	20
Workers Compensation Claims	0	0

Upcoming Events and Schedule Changes

Comments
N/A

Staff Communications
0

TOWN OF MONTREAT
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ADMINISTRATIVE REPORTS:
BUILDINGS AND INSPECTIONS

Buildings and Inspections report for the month of March 2024

Monthly Statistics

	2023	2024
Building Permits Issued	9	5
Pending Building Permits	0	0
Building Inspections Performed	36	27
Stop Work Orders Issued	1	1
Defective Building Posted	0	0
Denied Building Permits	0	0
Fire Inspections Performed	0	0
Fire Re-Inspections Performed	0	0
Fire Permits Issued	0	0

Comments

Staff Communications

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ADMINISTRATIVE REPORTS:
STREETS

Streets Department report for the month of March 2024

Monthly Statistics	2023	2024
Miles of Road Maintained	15.46	15.46
Miles of New Road Constructed	0	0
Public Trees Removed	0	16
Sand Applied to Roads (tons)	0	0
Ice Melt Applied to Roads (pounds)	0	0
Monthly Fuel Costs	364.23	$267.07
Road Closures	0	5

Comments

0

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ADMINISTRATIVE REPORTS:
POLICE DEPARTMENT

Police Department report for the month of March 2024

Monthly Statistics	2023	2024
Mileage	2,915	2,690
Dispatched Calls	24	27
Officer-Initiated Calls	685	632
Fire Assistance Calls	4	0
EMS Assistance Calls	2	0
Motorist/Other Assistance Calls	21	9
Traffic Stops	29	22
Parking Issues	7	1
Burglar Alarm Responses	0	1
Residential/Building Checks	525	539
Ordinance Violations	7	2
Law Enforcement Agency Assistance Calls	10	6
Animal Control Calls	1	2
Breaking & Entering Calls	0	0
Suspicious Person Investigations	3	2
Suspicious Vehicle Investigations	6	9
Disturbance Calls	11	7
Accident Responses	2	2
Auxiliary Hours Worked (Regular)	8	32
Auxiliary Hours Worked (Addittional)	0	0
Truck Turns at Gate	5	3
MPD Fuel Cost	$ -	$0.00
Professional Development Hours	8	0
Town Service	693	670
MRA Service	269	239
College Service	6	5

Comments
A reminder,

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

ADMINISTRATIVE REPORTS:
WATER AND PUBLIC WORKS

Water and Public Works report for the month of March 2024

Monthly Statistics	2023	2024
Calls for Service	21	44
Water Leaks Repaired	0	2
New Water Lines Installed	0	0
Water Meters Read	674	679
Water Meter Replacements	0	35
Gallons of Water Produced	2935285	2,914,084
Monthly Fuel Costs	$526.67	487
Hours Pumped (11 wells combined)	1584	1,613

Comments
0

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ADMINISTRATIVE REPORTS:
SANITATION

Sanitation Department report for the month of March 2024

Monthly Statistics	2023	2024
Tons of Curbside Trash Collected	25.39	14.34
Pay-As-You-Throw Trash Bags Collected	N/A	N/A
Tons of Curbside Recycling Collected	2.96	3.8
Pay-As-You-Throw Recycling Bags Collected	N/A	N/A
Cardboard Recycling Collected	0.41	N/A
Unique Curbside Sanitation Stops	1855	1,760
Bagged Leave Pickup	239	171
Brush Pickup (cubic yards)	5 Loads	4 Loads
Hauling Fees	3663.2	$3,574.40
Dumpster Rental Fees	460.26	$460.26
Sanitation Fuel	314.02	$ 259.14

No

TOWN OF MONTREAT
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Tel: (828) 669-8002 | Fax: (828) 669-3810
www.townofmontreat.org

ADMINISTRATIVE REPORTS:
ZONING ADMINISTRATION

Zonning Administration report for the month of March 2024

Monthly Statistics	2023	2024
Approved Zoning Permits	1	0
Denied Zoning Permits	0	0
Pending Zoning Permits	1	4
Variance/Interpretation Granted	1	0
Conditional Use Permits Granted	0	0
Permit Extensions Granted	0	0
Sign Permits Issued	0	0
Notices of Violation	0	0

Comments
0

TOWN OF MONTREAT
NORTH CAROLINA

March 2024 - MONTH 9 OF FISCAL YEAR 2023-2024

REVENUES

Fund	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Collected	YTD Actual Percentage	Difference
GENERAL FUND	10	2,030,592.00	1,522,944.00	75.00%	1,803,916.73	88.84%	280,972.73
WATER FUND	30	399,844.00	299,883.00	75.00%	306,938.48	76.76%	7,055.48
TOTAL REVENUES GENERAL & WATER FUNDS		**2,430,436.00**	**1,822,827.00**	**75.00%**	**2,110,855.21**	**86.85%**	**288,028.21**

EXPENSES

Dept Name	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Exp	YTD Actual Percentage	Difference
GOVERNING BODY	10	50,903.00	38,177.25	75.00%	40,621.44	79.80%	(2,444.19)
ADMINISTRATION	10	533,616.00	400,212.00	75.00%	372,385.11	69.79%	27,826.89
PUBLIC BUILDINGS	10	120,116.00	90,087.00	75.00%	27,887.03	23.22%	62,199.97
POLICE	10	494,744.00	371,058.00	75.00%	353,550.67	71.46%	17,507.33
BUILDING AND ZONING	10	91,400.00	68,550.00	75.00%	61,529.95	67.32%	7,020.05
PUBLIC WORKS	10	133,205.00	99,903.75	75.00%	97,420.11	73.14%	2,483.64
STREET	10	391,358.00	293,518.50	75.00%	204,055.55	52.14%	89,462.95
SANITATION	10	192,200.00	144,150.00	75.00%	156,366.78	81.36%	(12,216.78)
ENVIRON,CONS,REC	10	23,050.00	17,287.50	75.00%	16,167.77	70.14%	1,119.73
TOTAL EXPENSES GENERAL FUND		**2,030,592.00**	**1,522,944.00**	**75.00%**	**1,329,984.41**	**65.50%**	**192,959.59**

Dept Name	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Exp	YTD Actual Percentage	Difference
WATER	30	399,844.00	299,883.00	75.00%	267,364.47	66.87%	32,518.53
TOTAL EXPENSES WATER FUND		**399,844.00**	**299,883.00**	**75.00%**	**267,364.47**	**66.87%**	**32,518.53**
TOTAL EXPENSES GENERAL & WATER FUNDS		**$2,430,436.00**	**$1,822,827.00**	**75.00%**	**$1,597,348.88**	**65.72%**	**$225,478.12**

GENERAL FUND INCOME/LOSS - YTD	**$473,932.32**
WATER FUND INCOME/LOSS - YTD	**$39,574.01**
NET INCOME - YTD 2024	**$513,506.33**

SPECIAL PROJECTS

Project	Fund #	Budget	This Month Actual	Amount Spent To Date	Balance Remaining		% Spent
FEMA-MISC	25	214,747.00	0.00	**To Be Calc.	**To Be Calc.		#VALUE!
LANDCARE	26	34,384.50	0.00	8,747.67	25,636.83		74.56%
AMERICAN RESCUE PLAN ACT	28	277,266.78	0.00	**To Be Calc.	**To Be Calc.		#VALUE!
TOTAL SPECIAL PROJECTS		**$ 526,398.28**	**$ -**	**$ 8,747.67**	**$ 25,636.83**		**4.87%**

**Tyler Tech Error in Crossover

TOWN OF MONTREAT
NORTH CAROLINA

February 2024 - MONTH 8 OF FISCAL YEAR 2023-2024

REVENUES

Fund	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Collected	YTD Actual Percentage	Difference
GENERAL FUND	10	2,030,592.00	1,353,728.00	66.67%	1,682,271.57	82.85%	328,543.57
WATER FUND	30	399,844.00	266,562.67	66.67%	283,927.60	71.01%	17,364.93
TOTAL REVENUES GENERAL & WATER FUNDS		**2,430,436.00**	**1,620,290.67**	**66.67%**	**1,966,199.17**	**80.90%**	**345,908.50**

EXPENSES

Dept Name	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Exp	YTD Actual Percentage	Difference
GOVERNING BODY	10	50,903.00	33,935.33	66.67%	41,578.79	81.68%	(7,643.46)
ADMINISTRATION	10	533,616.00	355,744.00	66.67%	335,587.81	62.89%	20,156.19
PUBLIC BUILDINGS	10	120,116.00	80,077.33	66.67%	28,583.65	23.80%	51,493.68
POLICE	10	494,744.00	329,829.33	66.67%	321,879.72	65.06%	7,949.61
BUILDING AND ZONING	10	91,400.00	60,933.33	66.67%	54,547.65	59.68%	6,385.68
PUBLIC WORKS	10	133,205.00	88,803.33	66.67%	85,912.74	64.50%	2,890.59
STREET	10	391,358.00	260,905.33	66.67%	169,706.04	43.36%	91,199.29
SANITATION	10	192,200.00	128,133.33	66.67%	141,529.18	73.64%	(13,395.85)
ENVIRON,CONS,REC	10	23,050.00	15,366.67	66.67%	16,139.79	70.02%	(773.12)
TOTAL EXPENSES GENERAL FUND		**2,030,592.00**	**1,353,728.00**	**66.67%**	**1,195,465.37**	**58.87%**	**158,262.63**

Dept Name	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Exp	YTD Actual Percentage	Difference
WATER	30	399,844.00	266,562.67	66.67%	217,396.77	54.37%	49,165.90
TOTAL EXPENSES WATER FUND		**399,844.00**	**266,562.67**	**66.67%**	**217,396.77**	**54.37%**	**49,165.90**
TOTAL EXPENSES GENERAL & WATER FUNDS		**$2,430,436.00**	**$1,620,290.67**	**66.67%**	**$1,412,862.14**	**58.13%**	**$207,428.53**

GENERAL FUND INCOME/LOSS - YTD	**$486,806.20**
WATER FUND INCOME/LOSS - YTD	**$66,530.83**
NET INCOME - YTD 2024	**$553,337.03**

SPECIAL PROJECTS

Project	Fund #	Budget	This Month Actual	Amount Spent To Date	Balance Remaining		% Spent
FEMA-MISC	25	214,747.00	0.00	76,580.77	138,166.23		64.34%
LANDCARE	26	34,384.50	0.00	8,747.67	25,636.83		74.56%
AMERICAN RESCUE PLAN ACT	28	277,266.78	0.00	250,144.87	27,121.91		9.78%
TOTAL SPECIAL PROJECTS		**$ 526,398.28**	**$ -**	**$ 335,473.31**	**$ 190,924.97**		**36.27%**

+/-	Nov-22	Nov-23	% +/-	Date of Deposit	Dec-22	Dec-23	% +/-	Jan-23	Jan-24	% +/-	Feb-23	Feb-24	% +/-
34%	84,706.01	72,079.39	**17.52%**	AdVal/RMV	250,138.43	293,841.04	**14.87%**	371,502.07	350,152.84	**-6.10%**	305,360.87	298,947.79	**-2.15%**
1%	51,747.54	51,397.25	**-0.68%**	Sales	52,079.05	50,334.71	**-3.47%**	51,498.73	51,506.29	**0.01%**	49,849.91	52,797.91	**5.58%**
	186.60	203.58	**8.34%**	Solid Waste (Quarterly)							224.03	203.89	**-9.88%**
				Utility Fran (Quarterly)	26,761.50	26,453.45 QE 9/30/23	**-1.16%**						
				Wine/Beer (Annual-May)									

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AdVal Tax is received the month after the tax is collected
RMV Tax is received two months after the tax is collected
Sales Tax is received three months after the tax is collected

March Permit Information

Permit Number	Date	Name	Property Address	Permit Type	Project	Zoning Approval	Cost	PIN	CONTRACTORS	Fee Amount
5988	3/4/2024	Whitney Brough	420 SC Terrace	elect/mech	3 ton hpco	no			Gentry Heating & Cooling	$100
5989	3/5/2024	David Cannon	304 Georgia Terrace	electrical	elect serv upgrade	no			The Neighborhood Electrician	$100
5990	3/6/2024	Elizabeth Bryan	211 Assembly Dr	elect/mech	hpco	no			Smoky Mth Heating & Air	$100
5991	3/13/2024	Ellen Henschen	215 NC Terrace	elect/mech	hpco	no			Bullman Heating & Air	$100
5992	3/13/2024	David Cannon	304 Georgia Terrace	Resid remodel	carport to deck	yes	$28,000		ServePro-Above All Handyman	$168

allen
stahl+
kilbourne

828.254.4778 | asklawnc.com
20 Town Mountain Rd., Suite 100
Asheville, NC 28801

DEREK J. ALLEN
Attorney at Law
dja@asklawnc.com
828-412-4026

ROBERT C. "BO" CARPENTER
Attorney at Law
bcarpenter@asklawnc.com
828-412-4022

February 23, 2024

Savannah Parrish
Town of Montreat
Savannah.parrish@tobm.org

Re: **Proposal to Provide Legal Services**

Dear Town Clerk:

The law firm of Allen Stahl + Kilbourne respectively submits this proposal to Montreat.

Background Information on ASK

Allen Stahl + Kilbourne is a dynamic, growing law firm that was born out of the joining of Dungan, Kilbourne and Stahl, a long-established Asheville law firm and Derek Allen, a veteran litigator, community leader, and land use attorney. Since formed in 2019, the Firm has grown from six attorneys to a roster of 16 highly skilled attorneys in a broad range of practice areas. The growth is a reflection of the Firm's commitment to client service and diligent representation. We pride ourselves on client satisfaction.

A significant portion of our practice involves the representation of developers and other individuals before local governmental entities. Derek Allen, in particular, has robust experience locally and statewide working with local government staff members and appearing before local governmental boards. He may have spent more time in local government meetings than any other local attorney.

Other attorneys in the Firm also have significant experience in governmental law. Robert "Bo" Carpenter has engaged in numerous litigation matters involving local governmental entities, specifically in the employment law realm. Clifton

Williams served for years as general counsel for UNCA and elsewhere in the state university system. The Firm is very comfortable representing municipalities and confronting the legal issues specific to municipalities and other governmental entities.

Another significant portion of the Firm's practice is advising and representing homeowners' associations. While the law governing HOAs may be different than municipal law, advising and representing HOA boards is similar to advising and representing municipalities. Each require attorneys to deftly handle contentious matters and complicated personal dynamics in a neutral, objective manner without taking sides. This skillset transfers well into representing municipalities where calm, objective advice is critical.

Finally, the Firm approaches the practice of law with a team mentality. Client tasks are assigned to attorneys best equipped to handle them. For example, an employment law or policing issue would be handled by Bo Carpenter while a complicated municipal law issue would be researched by Jesse Swords, who has experience and talent with that topic. The breadth of the Firm's practice areas enables the Firm to competently and expeditiously handle any legal issue that Montreat may have.

ASK Law Municipal Experience

ASK Law formally represented the Town of Lake Santeetlah. Attorneys regularly appear before and have been involved in litigation with many municipalities, counties, and other local governmental entities such as water and sewer authorities. Bo Carpenter recently served on the Buncombe County Board of Elections, a local board governed by state law. We have a wealth of experience in local government law.

Municipal law is well within the Firm's purview. We have ongoing, active matters with Asheville, Highlands, Weaverville, Woodfin, Waynesville, Bryson City, Hendersonville, Canton, and Mills River. Our typical municipal interaction includes all levels of the municipality from staff members to lower boards and up through and including the elected board. The Firm is intimately familiar with Chapter 160A and comfortable navigating local ordinances. Montreat would have a wealth of municipal experience at its disposal with ASK Law.

Proposal for Legal Needs

The Firm will have co-lead attorneys – Derek Allen and Bo Carpenter – who will be the primary points of contact for the Town. Town officials will have their cellphone numbers and be able to call them at any time. Both Derek and Bo endeavor to respond to inquiries quickly and are usually able to do so within 24 hours. The scope of their legal knowledge and experience often enables them to

answer legal questions quickly and efficiently. More robust work tasks will likely be assigned to the attorney best equipped to handle the task within the firm.

The Firm would charge a flat fee amount for the representation for "General Town Matters" as defined in the enclosed. Services outside routine services would be charged on an hourly rate. The flat fee amount would be $2,500.00 a month. The hourly rate would be a 20% discount on our normally hourly rate per the enclosed rate sheet with a cap of $350 an hour.

We very much appreciate the opportunity to submit this proposal and look forward to discussing how we can serve the Montreat community.

Robert C. "Bo" Carpenter
Partner

Derek J. Allen
Partner

Nature and Scope of Representation

Allen Stahl + Kilbourne ("the Firm", "we", "us" "our") agrees to provide the Town Montreat ("the Town", "you", "Client") legal advice in connection with General Town Matters. General Town Matters include general, transactional, and administrative matters pertaining to Town meetings of the Board of Commissioners, attendance at no more than two meetings a month of the Board of Commissioners, organization, governance, and authority; property rights and development; land use regulation; and other affairs arising from routine Town business. General Town Matters specifically does not include litigation, representation of the Board of Adjustment, administrative appeals, appeals to the North Carolina Appellate Courts, significant ordinance drafting (or similar work), or bond related matters. Any additional representation beyond that which is set forth herein will require a separate Engagement Agreement.



RATE SHEET

		Town rate
Derek J. Allen	$495/hr	$350/hr*
Jeffrey K. Stahl	$375/hr	$300/hr*
James W. Kilbourne, Jr.	$400/hr	$320/hr*
Robert C. "Bo" Carpenter	$365/hr	$292/hr*
Robert E. Dungan	$400/hr	$320/hr*
Megan Farley	$325/hr	$256/hr*
Charles E. Flowers, III	$350/hr	$280/hr*
Eric Clifton Williams	$325/hr	$256/hr*
Jesse M. Swords	$310/hr	$248/hr*
Alicia E. Sessoms	$250/hr	$200/hr*
Hannah Michalove	$300/hr	$240/hr*
Scott K. Burger	$350/hr	$280/hr*
Matthew Giangrosso	$265/hr	$212/hr*
Andrew F.O. Wright	$250/hr	$200/hr*
Elizabeth Thompson	$300/hr	$240/hr*
Madison V. Thornton	$285/hr	$228/hr*
Christopher G. Lewis	$375/hr	$300/hr*
Paralegals	$175-$190/hr	$140-$152/hr*

** 20% Discounted Rate - Not to exceed $350/hr for Town of Montreat*

Allen Stahl + Kilbourne | 20 Town Mountain Road, Asheville, NC 28801 | www.asklawnc.com

DEREK J. ALLEN

CO-MANAGING PARTNER



(828) 254-4778 office
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dja@asklawnc.com

Derek is a leader in Alcoholic Beverage Law, Real Estate Development, and Zoning and Land Use. He has extensive experience with craft breweries ranging in size from small startups to those with international distribution. His practice includes representation of craft breweries, wineries, and distilleries in a wide range of permitting, regulatory, and trade issues.

Additionally, Derek has experience in all aspects of civil litigation, including depositions, hearings, mediations, arbitrations, jury trials, and appeals. He advises clients and litigates cases involving all forms of commercial, business, development, and real property disputes in state and federal courts. He has litigated numerous matters concerning land use issues at the trial and appellate levels. Derek also has experience litigating corporate and partnership disputes before the North Carolina Business Court. He routinely appears in front of city and county governmental bodies.

Derek also works with other regulated industries, including the hemp and CBD markets, both in North Carolina and beyond. He regularly partners with hemp farmers, processors, extractors, product manufacturers, wholesalers, distributors, and retailers to address their unique legal needs. Derek also assists indirect industry participants, including brokers, consultants, marketing agencies, lenders and financial institutions, and other suppliers and vendors in this quickly changing market space.

Awards:

- AV® Preeminent Rated since 2010
- "Lawyer of the Year," *The Best Lawyers in America®*, Land Use & Zoning Law, Litigation - Land Use & Zoning, 2015, 2020
- "Best Lawyer," The Best Lawyers in America®, Land Use & Zoning Law, Litigation - Land Use & Zoning, 2010-2023
- "Super Lawyer," *North Carolina Super Lawyers*, 2010-2011, 2019-2023
- "Rising Star," *North Carolina Super Lawyers*, 2009-2011

Areas of Practice

- Craft Beverage
- Food and Hospitality
- Commercial Litigation
- Land Use and Zoning
- Local Government Administration

Bar Admissions

- North Carolina, 1997
- U.S. Court of Appeals, 4th Circuit
- U.S. District Court, Eastern District of North Carolina
- U.S. District Court, Middle District of North Carolina
- U.S. District Court, Western District North Carolina

Education

- J.D., The University of North Carolina School of Law, 1997
- B.A., Political Science and History, *magna cum laude*, with distinction, The University of North Carolina Asheville, 1993

- The Business Journal of the Triad, 40 Leaders Under Forty Award, 2005
- "Legal Elite," *Business North Carolina*, Young Guns 2007-2008, Real Estate 2010-2013, Litigation 2022-2023

Professional Associations and Memberships:

- North Carolina State Bar
- Asheville Area Chamber of Commerce
- Leadership Asheville Alumnus, Class XXIX
- Asheville Brewers Alliance, Board Member
- Asheville Buncombe Regional Sports Commission, Board Member 2012-2018
- Buncombe Bar
- Brewers Association Associate Member
- Community Associations Institute
- Diana Wortham Theatre, President 2019, Member, Board of Directors
- LEAF, President 2018-2019, Member, Board of Directors
- North Carolina Bar Association
- Committee: Arts, Entertainment & Sports Law Committee, Former Chair
- Sections: Litigation; Zoning, Planning and Lane Use, Former council member
- North Carolina Craft Museum, Board Member
- North Carolina Creditors Bar Association
- North Carolina Economic Developers Association
- The University of North Carolina at Asheville Foundation Board, Member, Executive Committee
- United Way of Asheville and Buncombe County, Member, Board of Directors
- Western North Carolina Green Building Council, Board Member

ROBERT C. CARPENTER

PARTNER



(828) 254-4778 office
(828) 412-4022 direct
bcarpenter@asklawnc.com

Bo has developed a uniquely diverse practice where he has garnered significant experience in a variety of distinct practice areas. His diverse areas of practice reflect his personal journey as a WNC native with little exposure beyond these mountains, to someone who studied abroad in Japan and Korea, volunteered with AmeriCorps in five different states from California to Minnesota, and spent his early 20s living in Washington, D.C.

The throughline between his personal and professional life is a strong desire to help those in need and tackle the most complex of issues. He has proven this ability with both the individual client confronting a difficult issue or facing personal turmoil, as well as for the multi-million-dollar business client in high stakes commercial litigation.

While he is honored to be consistently selected by his peers for the Legal Elite and Super Lawyer recognitions, he takes the most pride in diligently serving his clients. He strives for excellence in all aspects of the representation, from responding quickly to client communications, to drafting superior legal briefs, and for everything else in between. He enjoys a job well done.

Bo continues to maintain a comprehensive legal practice that includes a healthy mix of litigation matters and advising and helping small businesses. He lives on the side of a mountain in the Fairview area with his wife, three daughters, and plethora of cats and dogs.

Awards:

- "Legal Elite," *Business North Carolina*, Employment Law
- "Super Lawyer," *North Carolina Super Lawyers*, General Litigation and Employment Law, 2021-2023
- "Rising Star," *North Carolina Super Lawyers*, 2013-2019
- "Best Lawyer," *The Best Lawyers in America©*, Litigation - Construction, 2024
- AV® Preeminent Rated since 2023

Areas of Practice

- Employment Law
- Railroad Law
- Land Use and Zoning
- Local Government Administration
- Medical Records Privacy
- General Litigation
- Small Business General Counsel

Bar Admissions

- North Carolina
- U.S. District Court Western District of North Carolina
- U.S. Court of Appeals for the Fourth Circuit
- Eastern Cherokee Tribal Court

Education

- J.D., Campbell University, Normal Adrian Wiggins School of Law, 2007
- B.A., Political Science, Wake Forest University, 2001

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- 2018 Buncombe County Bar Attorney Volunteer of the Year
- North Carolina Pro Bono Honor Society

Professional Associations and Memberships:

- Buncombe County Bar (28th Judicial District), Treasurer, 2014-2017, Pro Bono Committee, 2018-2022
- North Carolina State Bar
- Police Benevolent Association (referral attorney)
- Buncombe County Board of Elections - September 2021 to the present
- Our Voice Board of Directors, 2015-2019, President, 2017-2019, Vice President, 2016-2017, Treasurer, 2015-2017
- Pisgah Legal Services, MAVL Volunteer, Hotline Volunteer

ERIC CLIFTON WILLIAMS

PARTNER



(828) 254-4778 office
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cwilliams@asklawnc.com

Clifton began his legal career in 2010 while working in the Raleigh area, with initial practice focus in criminal law, personal injury, estate planning and general business matters. Clifton then went into public service, working in various in-house legal roles within the University of North Carolina System for about 10 years. While there, he developed extensive experience with many aspects of higher education law, including land use and development, unified development ordinance (UDO)/zoning compliance, procurement and contract negotiation, public records, employment law, policing, Title IX and student discipline and numerous other areas of federal/state law compliance. Since joining Allen Stahl + Kilbourne in 2020, Clifton focuses his practice on higher education law, employment law, corporate work, real estate and other general business areas.

Clifton received his B.S. in Criminal Justice from Appalachian State University in 1996, and his law degree from North Carolina Central University in 2009. He served 10 years in the United States Army, leaving Army service after achieving the rank of major. While in Army service, Clifton was a qualified Army paratrooper and participated in airborne training operations with the 82nd Airborne Division and 3rd Special Forces Group. After military service, Clifton worked in the retail management and banking/finance sectors with two nationally-recognized companies, both with significant operations in North Carolina, before starting his legal career.

Clifton and his family are thrilled to have lived in Asheville since 2014, and enjoy hiking on the Blue Ridge Parkway and in Pisgah National Forest.

Military Service:

- United States Army
- 10 years in the U.S. Army Transportation Corps, focusing on multifunctional logistics management (air, land and water). Served at multiple posts including Ft. Carson, Colorado and Ft. Bragg, North Carolina

Areas of Practice

- Education
- Employment Law
- Business/Commercial
- Real Estate
- Land Use and Planning
- Estate Planning and Administration
- Landlord/Tenant

Bar Admissions

- North Carolina
- U.S. District Court, Western District of North Carolina
- U.S. Court of Appeals 4th Circuit

Education

- J.D., North Carolina Central University School of Law, 2009
- B.A., Appalachian State University, 1996

JESSE M. SWORDS

ATTORNEY



(828) 254-4778 office
(828) 575-5248 direct
jswords@asklawnc.com

Jesse received his B.A. from Emory University in 2006, and his J.D., with honors, from the University of North Carolina School of Law in 2017. In between, he spent time working in the bicycle industry, which is what brought him to Asheville in 2012.

Jesse has represented clients across Western North Carolina in a wide variety of land use matters and civil litigation matters. His litigation work has included professional liability, large and small construction defect cases, contract disputes, employment matters, and governmental immunity, to name a few. In the land use area, he has worked with clients large and small to obtain special use permits and re-zonings and has also guided clients and local governments through complex ordinance interpretation issues.

In addition to his land use and litigation work, Jesse has assisted clients with formation of LLCs and non-profit corporations. He is currently serving on the Board of Directors of the Asheville Museum of Science.

Jesse chooses to call Asheville home because he loves the energy and ingenuity of the local community, and he loves the mountain setting. Outside of work, you can find him mountain biking or hiking on the trails surrounding town or strolling with his family to a neighborhood coffee shop, bakery, or pizza place.

Areas of Practice

- Litigation
- Land Use and Zoning
- Real Estate Litigation
- Business/Commercial

Bar Admissions

- North Carolina
- U.S. District Court, Western District of North Carolina
- U.S. District Court, Middle District of North Carolina
- U.S. District Court, Eastern District of North Carolina

Education

- J.D., University of North Carolina School of Law, 2017
- B.A., Emory University, 2006

Professional Associations and Memberships:

- North Carolina State Bar
- North Carolina Bar Association
- Buncombe Bar

Awards:

- "Ones to Watch", *The Best Lawyers in America®*, Commercial Litigation, 2022-2024, Corporate Law & Insurance Law 2023-2024, Land Use & Zoning Law, 2024

TOWN OF MONTREAT, NC
UTILITY BILLING
POLICY AND PROCEDURES

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TOWN OF MONTREAT UTILITY BILLING POLICY & PROCEDURES

Introduction

The policies and procedures contained in this document are intended to define the relationship between the customer of utility services and the Town of Montreat (the "Town"). These policies are available to all customers and made part of the contract for service entered into by all customers. By contracting for service, the customer acknowledges the applicability of these policies and procedures and agrees to abide by them.

Authority

The enactment of these utility policies and procedures requires the approval of the Town Council. As fee schedules, rates and other specific policies are updated, it will be the responsibility of the Town's Utility Billing Specialist to ensure this policy manual is revised in accordance with Town Council action.

Office and Service Hours

The Town Hall is located at 1210 Montreat Road and is open from 8 a.m. to 5 p.m. Monday through Friday. Routine and regular service work will be performed from 8 a.m. to 5 p.m. Monday through Thursday except for Town holidays. Service work for unusual conditions may be arranged at other times upon customer request and may require an additional fee.

A 24-hour drop box is available for customer payments at the Town Hall. Payments made after 10:00 am at the drop box are posted the next business day.

Privacy

Our service agreement requests that the potential customer provide their social security number in accordance with North Carolina General Statute §132-1.10. We request this number to verify identity, check credit worthiness, protect sensitive account information and collect delinquent balances. There is no statutory or other authority requiring any customer to provide a social security number. However, when customer billing data is requested, the social security number or Tax ID Number will be used to verify identity prior to any information being given out by staff. Staff members can request other verifying information to protect the Town and Town customers against fraud.

Customer billing data is not considered public information. The Town will use prudent efforts to ensure that customer information, including billing data, is safeguarded against unauthorized use.

Water System

Ownership: The Town's water system (the "Water System") is owned, maintained and operated by the Town. The Water System includes the water sources and water supply, and all property constituting lines, facilities, equipment and appurtenances between the water source and a connection for each premises served or potentially served by the

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Water System ("Premises"). Such lines, facilities, equipment and appurtenances include, without limitation, all valves, pumps, pipes, mains, service lines, meters, conduits, tanks, receptacles and fixtures utilized to produce, treat, transport, store or account for water intended for public consumption. It is prohibited for any unauthorized person to turn water on or off at the meter or to otherwise tamper with any water meter. Any tampering violations will result in the imposition of a meter tampering fine in the amount specified in the then current Town of Montreat Fee Schedule (the "Fee Schedule")

Location: Except as provided in subsection C below, all meters and taps shall be located either (i) within the boundaries of the Premises served by the meter and the tap, (ii) or within a ~~,~~ public right-of-way or utilities easement adjacent to the Premises. The Public Works Director is hereby given the authority to approve the location of water meters beyond the boundaries of the Premises served in the following circumstances:

a. Service to one (1) existing commercial or residential property where there is no available water line immediately adjacent to the Premises which can provide an additional service tap under the State regulations ("serviceable line"); or

b. Service up to a maximum of four (4) proposed new subdivided single-family residential lots when there is no serviceable line immediately adjacent to the Premises, provided the same property owner has not claimed another exception within 1000 feet of this location within the past five years, and provided the master property being subdivided into the proposed new lots has not been subdivided from a larger tract within the past five years. All necessary easements for constructing and maintaining the private service lines [first mention of private service lines – is the owner required to construct at the owner's expense?] must be depicted on the subject subdivision plat(s). Each building shall have separate water and wastewater connections.

c. The exception for the location of a water meter contained in this subsection is subject to the customer executing a contract with the Town, which is binding on the customer's heirs, successors and/or assigns and recorded at the Buncombe County Register of Deeds' Office ("Register of Deeds"), containing the following requirements and conditions:
   i. The customer shall obtain and record with the Register of Deeds an easement agreement with each property owner through which their private water line traverses;
   ii. The customer shall obtain a perpetual encroachment agreement with the appropriate public agency controlling any public right-of way over or under which the private water line traverses; ~~.~~ [Is this recorded agreement required prior to installation of the line?]

   ~~ii.~~iii. The customer shall bear all cost and responsibility to connect to a new meter on or on a public right-of-way or utilities easement adjacent to the Premises if a serviceable line becomes available to the Premises

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in the future as determined by the Public Works Director in his or her sole discretion.

Removal by the Town: The Town reserves the right to maintain, remove, replace, test, and otherwise exercise control over any meters for causes deemed justifiable by the Public Works Director in his or her sole discretion.

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Damage: The customer shall be financially responsible for any damage to, or loss of, the meter at his or her Premises caused by vandalism, malicious mischief, theft, hot water, tampering, or casualty other than ordinary wear and tear. When a meter is damaged as a result of any cause other than ordinary wear and tear, the customer shall bear the entire expense of removing, repairing, resetting and replacing the meter. Furthermore, in addition to paying actual damage, if any, the customer may also be required to pay a penalty in accordance with the Fee Schedule if it is determined, that the damage to or loss of the meter was the result of the intentional, willful or grossly negligent act of the customer.

The Town of Montreat owns the water meters.

A. **Establishing Service.** All owners of Premises connected to the Water System are required to have an active account. Owners of Premises must apply with proper documentation to the Utility Billing Specialist to establish a customer account. Any owner that does not set up an account within a timely manner shall be required to pay for all charges from the time of connection to the most recent billing period prior to opening an account.

   a. **Application.** A completed application for service must be received and reviewed for completeness by the Utility Billing Specialist or Town Clerk prior to either (i) installation of new service, or (ii) releasing responsibility of prior customer if the Premises has been sold or transferred to a new owner or leased to a new tenant. The Town's provision of water service is conditioned on satisfaction of all previously owed (and still legally collectible) utility debts to the Town with respect to the applicable Premises.

      i. As part of the application process, the Town requires that the applicant provide a valid government issued photo identification document (driver's license, passport, state identification card, military identification card, etc.), along with a social security number. A new application must be submitted for every connection each separate Premises, regardless of either prior connections to the Premises or the customer having prior accounts for water service.

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ii. Property owners shall provide a closing statement or deed to verify ownership of their Premises. Property owners may have utilities connected at more than one Premises if all accounts remain in good standing with the Town. Any delinquency for utility services at any Premises may prevent a property owner from establishing a new account for service. Property owners with rental property may have service automatically revert to them when a tenant requests services to be discontinued in the tenant's name. This may allow the owner to avoid having to apply for service each time a tenant discontinues service in the tenant's name.

iii. Occupants who are not property owners applying for a utility account for Premises shall provide the Town with a copy of the lease/rental/occupancy agreement for the applicable Premises. If a lease/rental/occupancy agreement cannot be provided, the application for utility services may be denied.
The non-property owner's utility account may shall be set up in the name or names specified in the lease/rental/occupancy agreement. In the event any person named in the lease has any outstanding utility debt with the Town, that debt shall be paid in full prior to service connection. As authorized by North Carolina General Statute 62-159.1, a county or municipality may suspend or disconnect public enterprise services to a customer because of a past-due and unpaid balance incurred by another person who resides with the customer after services have been provided to the customer's household.
The owners of multi-unit residential property shall provide the Town with verification of ownership and also a list of all units by street address and unit number, if applicable. Such owners shall also provide the Town with a list of authorized agents who act on their behalf (e.g., site managers, real estate agents). A federal identification number or social security number may be requested for access to account information and use in the collection of any delinquencies owed to the Town. Multi-unit residential properties may have account responsibility automatically revert to the owner when a tenant requests for services to be discontinued in their name. The owners or agents of multi-unit residential properties may have utilities connected at more than one location if all accounts remain in good standing with the Town. Any prior delinquency for utility services at any location may prevent an owner from establishing new service, unless the past due amount is paid in full.

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iv. Revert-To-Owner Contracts for Continuous Utility Service shall provide property owners and managers with the ability to maintain continuous utility service while a rental unit is vacant.
    1. A contract, including a listing of all Premises (service addresses), must be completed and submitted by the owner(s) or property manager(s).
    2. By signing the contract, the owner(s) or manager(s) agree to be responsible for utility services and related costs between the time service to outgoing tenants is terminated and service to incoming tenants is initiated, including base charges.
    3. Service may, shall automatically and without notice to the owner or manager, revert to the owner or manager upon notification by a tenant to discontinue service in their name. As stated in the contract, no notification is required to be given to the owner or manager in such a situation.
    4. If service is discontinued by the Town due to non-payment or interference with normal service (e.g., meter tampering), service shall not automatically revert to the owner.

v. Once service has been terminated for non-payment or interference with normal service has occurred, service at the Premises may be reinstated only if:
    1. Payment in full is received for all unpaid amounts (including fines) due to the Town; or
    2. Proof is provided to the Town of Montreat that the non-paying tenant no longer occupies the Premises.

vi. Owner(s), property manager(s) and tenants may be denied service if they are delinquent at any utility service location.

vii. Town staff must be notified and directed to activate meters at Premises that are not in use.

viii. An authorization form to release utility billing information may be completed in order to give additional persons access to account information for the purpose of payment and balance requests.

ix. Whenever an application is made for service to Premises with respect to which there is a dispute as to the ownership or the right to occupy the Premises, the Town may at its option and in its sole discretion:

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1. Treat the applicant in actual possession of the Premises as being entitled to such service, irrespective of the rights or claims of the other person; or
2. Withhold service pending a judicial or other written settlement of the dispute satisfactory to the Town.

b. **Reasons for Denial of Service.** Applications for utility service may be denied for any one of the following reasons:

   i. A lease/rental/occupant agreement cannot be provided for the subject Premises.
   ii. The validity of the lease/rental/occupant agreement for the subject Premises is in question and the property owner cannot be reached.
   iii. The account applicant does not provide verifiable or valid identification.
   iv. Any other reason set forth in this policy that entitles the Town to deny an application for utility service.

c. **Voluntary Disconnection of Service.** Service may be voluntarily discontinued by a customer as follows:

   i. *Temporary*. In the event a customer will not occupy a residence for an extended period and requests water to be turned off at the meter, utility base charges shall be billed during this time. A Premises visit fee may shall be charged to turn on/off the at each Premises.

   ii. *Termination of Service*. The holder of a utility account is responsible for completing and returning a disconnection request form at least 2 business days before the requested service end date. Failure to notify the Town of needed utility disconnection could result in additional usage charges and billing fees, for which the account holder will be responsible.

d. **Removal of Meter.** In the event a residence is demolished, condemned or vacated by court order, the customer/property owner or legal representative may request that the meter on the property be removed at the currently approved charge per the Fee Schedule. Town approved documentation must be received before meter services may be removed. If the meter is removed, and service discontinued, the base charge may not be applied to the account after the date of removal.

e. **Meter Tampering.** The Town does not allow for any unauthorized person to (i) open a meter box to interfere, alter, tamper with or bypass a meter

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which has been installed for the purpose of measuring the use of water, or (ii) knowingly use either water passing through any such tampered meter or water bypassing a meter provided by the Town for the purpose of measuring and registering the quantity of water consumed. Any meter or service entrance facility found to have been altered, tampered with or bypassed in a manner that would cause such meter to inaccurately measure and register the water consumed, or which would cause the water to be diverted from the recording apparatus of the meter, shall be prima facie evidence of intent to violate and of the violation of this section by the person in whose name such meter is installed, or the person or persons so using or receiving the benefits of such unmetered, unregistered or diverted water. Any person not authorized by the Town to operate valves on the Water System who tampers with or alters a meter or causes a meter to be bypassed shall be charged with tampering, per North Carolina General Statute 14-151.1 and may be charged with any other applicable violation of law.

i. Any person violating any of the foregoing meter tampering paragraph provisions may be liable to the Town for any losses and shall also be charged for the cost to repair and or replace any damages sustained. A fine may be charged per occurrence per the most recently approved Fee Schedule. [I cannot find a fine for this violation in the 2023 Fee Schedule.]
    1. First Occurrence - notification and fine. [no other charges even if deliberate meter tampering?]
    2. All subsequent Occurrences - notification, fine and any additional civil or criminal charges the Town may elect to pursue, including recovery for water loss or damage to Town property.

ii. If water is turned on illegally after disconnection due to nonpayment of a utility bill, the Town shall be entitled to remove the water meter and tap for the applicable Premises, which will result in additional charges.

iii. The Town may make a reasonable effort to hold tenants responsible for any loss or damage incurred by the Town associated with their use of water service, including recovery for lost water usage. However, if the tenant is not available, the landlord or property owners shall be responsible for any fines, loss or damages associated with the tenant's use of water service, including recovery for-lost water usage.

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f. **Waste of water.** Failure to repair leaks or other sources of wasted water within 60 days from first notification, high usage bill or detection by the Town or property owner may result in the Town disconnecting utility service until the leak has been repaired. Approved Town documentation must be submitted and approved before services may be restored.

B. **Utility Billing Procedures.** The Utility Billing Specialist bills for water and sewer services in accordance with the procedures provided below and as directed by the Town Manager.

a. **Billing**

i. Bills shall be prepared monthly and are mailed as close as practicable to 30 days before the date when due.

ii. Payment in full of all bills is due by the 28th day of each month.

iii. Payment may be made by check, money order, bank ACH draft, credit card or in cash. Payments may be made online or in person.

iv. If payment is not received and recorded by the 28th day of the month at 5 PM, a late penalty shall be added to the customer's account in accordance with the most recently approved Fee Schedule.

v. If payment is not received by the 35th day after the due date before 5 pm, the customer's account shall be subject to disconnection. [This us not consistent with clauses c(i) and (ii) below.] In any case in which utility service has been terminated due to failure to pay or noncompliance with these policies, utility service will not be reinstated until the entire account balance, including any fees or charges fees due in connection with termination of service or otherwise, is paid in full.

vi. Water meters must be accessible to the Town personnel to ensure that Premises can be serviced properly. It is the property owner /account holder's responsibility to trim, cut back or remove any bushes, trees, plants, sod or other objects that may cover or obstruct a water meter. Failure to do so may result in inaccurate billing for which the account holder will be responsible.

vii. If a bill is returned to the Town by the post office or email as undeliverable, the Utility Billing Specialist shall make all reasonable efforts to obtain a forwarding address and correct the address in the utility records. In the event the bill becomes delinquent, the Utility Billing Specialist shall follow the normal collection efforts. Customers are responsible for all billings regardless of whether they receive a monthly bill.

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viii. Payments may be applied to customer accounts in the following order: fines, fees or miscellaneous charges first, water service charges next, and sewer service charges last.

ix. It is the responsibility of the property owner, account holder or authorized designee to advise the Town as to whom and to what address bills are to be sent (e.g., to a new owner or to a renter). Change of Address Forms, Water Service Transfer Applications and New Owner Service Transfer Applications are available at the Town Hall or on the Town's website to advise the Town of any changes that are necessary or appropriate to update an account. Only an account holder or authorized party can request changes to billing information and status.

x. If the Town has overcharged or undercharged a customer for service, the Town may correct this error subject to the following procedures:

1. If the Town has overcharged a customer for service, the Town may credit the customer's account, without interest, for the excess amount and notify the customer by letter. A credit to a customer's account is subject to the following limitations:
    - If the time period over which the mistake occurred can be determined, the Town should credit or refund the excess amount charged to the account for that entire interval, provided that such time period shall not exceed the statute of limitations as set forth in the N.C. General Statutes.
    - The Town may credit or refund the excess amount charged during the previous 12 months.
    - If an overcharged customer owes a past due balance to the Town, the Town will deduct that past due amount from any refund or credit due to the customer.
    - If the Town has undercharged a customer for service, the Town may collect the additional amount due the Town by billing the account. A payment plan or other payment options may be extended to a customer for repayment of charges billed from prior billing periods. If a customer receives notice of undercharging and does not contact the Town to make payment arrangement for such amount by the subsequent due date, the account may be disconnected for nonpayment in accordance with this policy.

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- If an undercharge has occurred because of tampering or bypassing a meter or because of other fraudulent or willfully misleading action of the customer, the Town shall collect the entire undercharged amount in a lump sum and seek such other rights and remedies as are permitted by law.

b. **Returned payments.**

i. Payments returned due to insufficient funds, closed accounts, or other issues not related to a Town error will be charged a fee according to the current Fee Schedule. If the return was due to Town error, the fee will be waived.

ii. Customers may lose the ability to use checking and other payment methods for two years if a payment has been returned due to insufficient funds, closed accounts, or other issue not related to a Town error two times in a 12-month period.

iii. Customers who do not make good on any returned payment and applicable fees may be considered to have not made any payment and may be subject to procedures for late charges and disconnection of service.

iv. The Utility Billing Specialist may also send a letter notifying the customer of these events and request replacement funds or alternative payment arrangements.

v. Payment return fees may be added to the account and must be paid with other past due charges to continue ~~u~~Utility service.

vi. Returned payments made by a customer to avoid disconnection on an account will subject the subject Premises to immediate disconnection. All fees and account balances including a nonpayment service disconnection charge must be paid before service is reconnected.

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c. **Collection of Past Due Utility Charges.**

i. *Accounts 20 days past due.* A courtesy notification may be mailed when a bill is 20 days past due. If payment is not received by 5 pm on the 35th day, the account may then be disconnected.

ii. *Accounts over 90 days.* If payment is not received within 90 days after the date when due, the Town may take one or more

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(including all) of the following actions, as a method of securing payment:

1. The Town may send the name, address, and balance due to the Town's collection agency or NC Debt Setoff Program.
2. The terms of the nonpayment may be communicated to any or all nationally recognized credit reporting agencies.
3. Customer may be denied access to utility services.
4. Remaining balances on terminated accounts may be transferred to a customer's active utility account for collection of charges due. These charges may be subject to the disconnection policy and may cause the active account to be disconnected for nonpayment.

d. **Extended Payment Option.** Payment plans may only be available for past due balances related to leaks or accounts that are back billed for previously unbilled usage or for unusually high utility bills. Payment plans may be made for up to six months with approval the Town Manager. Accounts that have past due charges related to regular monthly billing will not be eligible for payment plans. The Utility Billing Specialist will review the account to establish a payment plan for the customer. The customer must sign a payment plan form specifying the terms of the payment plan. Customer must continue to pay regular monthly charges plus a portion of the payment plan bill(s). If a customer has any returned, missed, or delinquent payments on the account, the payment plan may be voided, and the balance will be due immediately. If a customer defaults on a payment plan, they will not be eligible for another payment plan for 12 months from the date of the delinquency.

e. **Deceased Account Holder/ Estate Account.** Upon the death of an account holder, a New Owner Service Transfer Application or New Water Service Application must be completed to transfer an account into the responsible party's name within 45 days. The Town may request legal documentation including, but not limited to, death certificates, wills, or other legal documents to process the utility billing change request. If the Town, after the date mailed, receives notice or determines that an account holder is deceased, notification of account closure may be mailed to the address in the Town's account records. The letter may set forth a date in which a New Owner Service Transfer Application must be received to continue services at the location of the deceased account holder. An Application for Water Services must be filled out and the application process must be completed in accordance with this policy.

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An account may be transferred into the ownership of an estate. A New Owner Service Transfer Application is required, and the Town may request legal documentation from the executor or the person responsible for administrating an estate. It is the responsibility of the executor or other person administrating the estate to notify the Town of any changes in account status. The Town may allow an account to remain in the name of an estate for a period of 4 months from the date of service connection. It is the executor or administrator of the estate's responsibility to either disconnect or transfer ownership of the account into the name of the responsible person before this date. If an application has not been processed to transfer ownership of the account in the timeframe specified, services may be disconnected without further notice.

C. Consideration of Credits and Refunds.

a. **Refunds**. No refunds of less than $5.00 may be made on a customer's account.

b. **Credits.**
   i. **Filling Swimming Pools.** The Town does **NOT** allow adjustments for filling pools or spas. Customers may contact Metropolitan Sewerage District to apply for a credit or obtain separate irrigation meter to fill pools or spas which may not charge for sewer usage.

   ii. **Leak Adjustments.** The customer is responsible for leaks in the piping on his/her property on his/her side of the water meter and will be charged for water and/or sewer based on water use as indicated on the meter. This is defined as the point at which the customer's plumbing connects either directly to the meter box or the customer shut off valve connects directly to the meter box. The Town does not repair leaks on the customer's side of the water meter. The Town may, but shall not be obligated to, allow credit for utility charges resulting from leaks on the customer's side of the meter in accordance with the following procedures:
      1. Credit may be extended to the customer's account/property only once every 12-month billing period upon approval.
      2. The customer must submit a completed Leak Adjustment form within 60 days of leak detection either by the Town or the customer.
      3. The customer must provide the Town an invoice from a licensed plumber for repairing the leak(s). This must be accompanied by a statement confirming that a leak (or

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multiple leaks) had been repaired, and a description describing where the leak(s) occurred.

4. A customer may make their own repairs. If a customer makes their own repairs, all receipts for parts and pictures of the leak site prior to repair and after completion are required to be sent to the Town for approval.
5. Leak adjustments may be calculated based on, and may not exceed, 75% of all water usage above normal average monthly consumption. Average monthly consumption is based on the twelve-month average before the month showing excessive use. If previous consumption is less than twelve previous months, the Town may require additional months of normal usage before adjustment calculation can be processed.
6. Leaks that are of the nature that they do not hit the sewer system, such as underground lines, pipes within walls, or water heaters, the sewer charges may be adjusted to the monthly average and water adjustment will be at the 75% above monthly average.
7. If the Utility Billing Specialist cannot determine the cause or reason for a requested billing adjustment, then the Town Manager may approve an adjustment to a customer's bill in such amounts deemed reasonable under all circumstances, but not less than a charge based on a customer's normal water usage. A "Benefit of the Doubt Adjustment" is limited to one adjustment over the lifetime of the account. This adjustment does not require proof of repair but does require usage to return to normal.
8. No credit will be applied to the account until water usage returns to normal.
9. To be eligible for the relief provided by this section C policy, the customer's usage must exceed 50% of their average bill.
10. Customers are responsible for paying at least the average bill during the leak adjustment process. The customer shall remain subject to all current and applicable collection processes, procedures, and fees, including and not limited to disconnection of services if the minimum of the customer's average bill is not paid during this time.

~~10.~~ We need to insert a provision addressing the sanitary sewer service – indicate that the Town's only role is billing and collection.

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D. **Billing and Fee Adjustments.**

1. If the customer has a good payment history, the fees and penalties associated with non-payment may be waived one time per 24-month period.

2. An appeal of the decision to not adjust an account will require a written request for consideration and must include any pertinent information related to the circumstances surrounding the adjustment request. The appeal will be reviewed by the Town Manager first. If not resolved, the appeal will then be reviewed by the Board of Commissioners.

3. Except as set forth in the policy, accounts will be adjusted only when an error occurs in a customer's account that is not caused by or related to any act or omission of the customer.

4. If a meter measuring a customer's water usage is determined to be inaccurate by the Town water department, then the adjustment period (not to exceed two (2) years) [something missing here] may waive additional fees over the average fees that were charged during this time. If the corrected usage is less than the average fees charged, then the customer's account will be credited with the adjustment period [?] not to exceed two (2) years.

ii. **Extenuating circumstances do arise sometimes.** The Town Manager or his/her designee has the authority to waive late fees, reconnect fees~~,~~ and other fees related to non-payment. Each situation will be judged on its own merits. Fee waivers may be allowable under certain circumstances including but not limited to sickness, death~~,~~ and other legitimate reasons.

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TOWN OF MONTREAT

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Tel: (828)669-8002 Fax: (828)669-3810
www.townofmontreat.org

PROCLAMATION #24-04-0001
DECLARATION OF EARTH DAY IN MONTREAT

The following Proclamation is hereby issued by the Mayor of the Town of Montreat:

WHEREAS, Earth Day was first observed on April 22, 1970, when 20 million Americans joined in events across the country to show support for a healthy, sustainable environment; and

WHEREAS, by the end of 1970, the Environmental Protection Agency was born and with that, the Clean Air Act, Clean Water Act, and Endangered Species Act, the U.S. cornerstones of environmental protections; and

WHEREAS, Earth Day provides a forum to voice concerns about environmental issues like reducing waste, climate change, and clean energy, and take personal action to create change to improve the environment.

NOW, THEREFORE, I, Timothy Helms, Mayor, and the Town Council of the Town of Montreat, North Carolina, do hereby proclaim April 22, 2024, as Earth Day in the Town of Montreat, and I urge all persons to celebrate Earth Day by supporting efforts that protect our environment, and urge all persons to be advocates and good stewards of our environment on Earth Day, and every day.

[SEAL]

Proclaimed this _____day of _____, 2024.

_____
Timothy R. Helms, Mayor

ATTEST:

_____

Angela Murphy
Town Clerk

Proclamation

55th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK
May 5 - 11, 2024

***Whereas**, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and*

***Whereas**, The Office of the Professional Municipal Clerk is the oldest among public servants, and*

***Whereas**, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and*

***Whereas**, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.*

***Whereas**, The Professional Municipal Clerk serves as the information center on functions of local government and community.*

***Whereas**, Angela Murphy serves as Montreat's Town Clerk and continually strives to offer the best possible service.*

***Whereas**, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.*

***Now, Therefore, I**, Timothy Helms, Mayor of Montreat, do recognize the week of May 5 through 11, 2024, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Angela Murphy, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.*

Dated this _____day of _____, 2024

Mayor *Attest: _____*