

**Town of Montreat  
Board of Commissioners  
Special Meeting  
January 5, 2009 – 4:30 p.m.  
Town Services Office**

The Montreat Board of Commissioners held a Special Meeting on January 5, 2009 at 4:30 p.m. in the Town Services Office. Present among the Board were Mayor Letta Jean Taylor, Commissioner Bill Hollins, Commissioner Jack McCaskill and Commissioner O'Neil Tate. Mayor Pro Tem Eric Nichols arrived at 4:35 p.m. Commissioner Ruth Currie participated in the discussion via telephone. Representing Town Staff were Town Administrator Ron Nalley, Town Clerk Misty R. Gedlinske, Public Works Director Charlie Caldwell, Assistant Public Works Director Steve Freeman, Building Inspector/Code Administrator David Currie and Town Attorney Susan Taylor Rash. No members of the public were present. Mayor Taylor called the meeting to order and gave the invocation.

**Agenda Adoption**

Commissioner Hollins moved to adopt the meeting agenda as presented. Commissioner Tate seconded and the motion carried 3/0.

**Proposed Revisions to the Ordinance Regulating the Construction  
and Financing of Public Improvements**

The Board reviewed the most recent draft of revisions to the Ordinance Regulating the Construction and Financing of Public Improvements and made comments on the following sections:

Scope: Commissioner Hollins commented on what he perceived as redundant language in this section. Ms. Rash agreed, but explained that such wording was done to ensure thoroughness.

Private Extension of the Public Utility System – Approval of Proposed Extension: Commissioner Currie asked whether a time constraint would be imposed on the Public Works Director to submit an application for a proposed extension, and at what point after that submittal would the Board of Commissioners be required to review that application. Mr. Nalley said that the Public Works Director would be able to take as much time as needed to ensure the completeness and accuracy of the application. Commissioner Hollins said he understood that this section stated that the Board of Commissioners would consider an application for a private utility extension at their next regular meeting after receiving the completed proposal from the Public Works Director.

Private Extension of the Public Utility System – Cost of Extension: Commissioner Hollins noted that the provisions of this section were not self-implementing, and that imposing fees on future water and/or sewer customers would require the development of additional ordinances and fee agreements between the Town and private property owners that would need to be addressed by a future Board. Commissioner Currie felt that the proposed ordinance should be written in a flexible, proactive manner that eliminated the need for additional ordinances in the future as much as possible. Mr. Nalley cautioned that it may not be possible to draft an ordinance that

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anticipated all possible situations involving utility extension costs and said that fee agreements may still be more practical in some instances. Commissioner Currie also asked for clarification as to whether the fee agreements mentioned in this section would be made among the future users or at the sole discretion of the Town. Ms. Rash said she believed that the Board intended for these agreements to be made at their sole discretion and stated she would revise this section accordingly.

Commissioner McCaskill asked why special assessments would not be appropriate in this instance. Ms. Rash explained that special assessments would be imposed when the Town installed the utility extensions at its own expense and applied to all the property owners within the project area once the work was completed. She advised that this section of the ordinance addressed situations where private property owners chose to install the utility extensions at their own cost, a portion of which would be reimbursed by future users at the time those individuals connected to the extension. Commissioner Hollins suggested leaving the language of this section unchanged for now and revisiting it at a later date after developing a plat map of the larger areas of undeveloped property within the Town. Commissioner McCaskill agreed that it would be better to address how private utility extensions to undeveloped areas in a comprehensive manner.

Discussion was then heard as to how this section of the proposed ordinance would affect property owned by Erskine Clarke. Mr. Nalley explained that the ordinance would apply only to Mr. Clarke's water line extension, unless the Board chose to enter into a separate agreement similar to the one already in effect for his sewer line extension. Commissioner McCaskill felt that any private utility extension should not only meet Town standards, but should also be designed to accommodate all potential future users. Mayor Pro Tem Nichols agreed with Commissioner Hollins' suggestion to develop a plat map, and also noted a minor grammatical change to the latter portion of this section.

Public Extensions of the Utility System: Mr. Nalley clarified that future public utility extensions were addressed in future years of the Town's Capital Improvements Plan, and stated that extensions on Peace Lane and Providence Terrace were listed in the 2010-2011 fiscal year of the Plan. Commissioner Hollins asked that references in this section to the North Carolina General Statutes be formatted consistently with those found in other sections of the ordinance.

Private Extensions of Public Streets: Mr. Nalley pointed out that this section prohibited the construction of any additional private driveways in unopened public right-of-way, and requiring any new roads built in this area to meet Town street standards. Commissioner Hollins asked whether the Council truly understood the full potential impact of that statement. Commissioner McCaskill noted that in some situations, it may not be reasonable or desirable to install a road to these standards. Mr. Nalley said that he and Ms. Rash had tried, based on a number of possible factors, to determine a threshold or trigger for determining whether a driveway or roadway would be most appropriate and were unable to determine a practical way of incorporating this into an ordinance. Mayor Pro Tem Nichols asked whether this section would apply to a barricade installed by a private property owner at the entrance to Memphis Lane. Mr. Nalley said it would not. Commissioner Hollins asked whether the Board had any flexibility within this

ordinance to address special situations. Mr. Nalley said that the yet-to-be-developed Street Standards Ordinance referred to in this section may be a more appropriate tool for providing the Council more discretion in determining the appropriate construction standards for roadways in various locations and circumstances. After brief discussion, the Council agreed by consensus to leave the language of this section unchanged.

Private Extensions of Public Streets – Cost of Extension: Ms. Rash explained that unlike water and sewer extensions, it was difficult to identify and define the point at which the use of a street or roadway began. She did not believe it was legally permissible to withhold a building permit or certificate of occupancy until a roadway meeting Town standards had been constructed, and Mr. Nalley stated that the reimbursement language previously included in this section had been removed for this reason. During discussion, Mr. Nalley referred to a private lot located on a remote section of Oklahoma Road as an example of a homeowner who would incur a substantial expense if required to install a roadway to Town standards to access her property. Mayor Taylor felt that in some cases, the Board may wish to consider sharing a portion of the road installation due to the scope and cost of the particular project. After discussion, the Board chose to leave the language of this section unchanged.

Public Extension of Streets – Dedicated Streets Not Opened: Commissioner Currie asked for clarification of the definition of an “improved” street. Ms. Rash explained that in this section, “improved” was intended to refer to roadways constructed in compliance with Town street standards. Mr. Nalley referred to a proposed unpaved roadway on public right-of-way near Oklahoma Road that would provide access to several lots and would comply with all other applicable Town street standards. Commissioner Currie and Mayor Pro Tem Nichols both felt that the wording of the first sentence of this section was confusing, and Ms. Rash agreed to review this section again and revise it for clarity.

Extensions Outside Town Limits: Ms. Rash stated that this section had been revised in order to apply the same standards to public utility and street extensions in the Town’s Extraterritorial Jurisdiction as those located within the Town limits with the exception that the applicant would bear the cost of those improvements. Commissioner Currie believed the Board had discussed prohibiting the installation of any additional wells or septic tanks with the ETJ area. Mayor Taylor disagreed, saying that this limitation was only intended for properties within the Town limits. Commissioner Currie cited recent changes to State laws pertaining to wells and septic systems and asked Ms. Rash to ensure that the Town’s ordinance language complied with those regulations. She also asked whether the proposed hillside development ordinance would apply to the ETJ area, and Mr. Nalley confirmed that this was the case. Ms. Rash said additional research and revision to this section was needed, and cautioned that she was unsure whether the Town could legally require ETJ residents to connect to public water and sewer. After further discussion, Mayor Taylor said that the Council would call for a public hearing on this matter to be held at their February Town Council meeting. Commissioner Currie asked that a revised draft be completed and included in the next agenda packet for review and discussion at the February Agenda meeting.

**Public Comment**

There were comments from the public at this time.

**Adjournment**

There being no further items of business to discuss, Mayor Pro Tem Nichols moved to adjourn the Special Meeting. Commissioner Hollins seconded. The motion carried 4/0 and the meeting was adjourned at 5:35 p.m.

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Letta Jean Taylor, Mayor

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Misty R. Gedlinske, Town Clerk