

**Town of Montreat
Board of Commissioners
Town Council Meeting
January 10, 2008 – 7:00 p.m.
Kirk Allen Building**

The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on January 10, 2008 at 7:00 p.m. in the Kirk Allen Building. Present among the Board were Mayor Letta Jean Taylor, Mayor Pro Tem Eric Nichols, Commissioner Bill Hollins, Commissioner Jack McCaskill and Commissioner O'Neil Tate. Commissioner Ruth Currie was absent. Representing Town Staff were Town Administrator Ron Nalley, Public Works Director Charles Caldwell, Chief of Police William B. McClintock, and Finance Officer Stefan Stackhouse. Nine members of the public were also present. After calling the meeting to order, Mayor Taylor led the group in reciting the Pledge of Allegiance. Commissioner Jack McCaskill gave the invocation.

Agenda Approval

Commissioner Hollins moved to adopt the meeting agenda as presented. Commissioner McCaskill seconded and all voted in favor. The motion carried 4/0.

**Public Hearing – Request to Close Portion of South Carolina Terrace
Extension Right-of-Way**

Mayor Taylor opened the Public Hearing to discuss a request to close a portion of South Carolina Terrace Extension right-of-way. Mayor Taylor asked Town Administrator Ron Nalley to provide a summary of the request. Mr. Nalley stated that the Town received a request from James and Ellissa Webb to close a portion of the Town's right-of-way at the end of South Carolina Terrace Extension in order to provide easier access for their driveway to their new home and provide additional off-street parking. Mr. Nalley referenced the letter from Mr. Webb detailing the request and a survey of the portion of right-of-way the Webb's wish to have closed. The Webb's request would allow thirty feet of a thirty-five feet right-of-way to remain open. Mr. Nalley pointed out that the North Carolina General Statutes are very specific about the steps needed to close a right-of-way. In keeping with the requirements of the General Statutes, the Board adopted a Resolution declaring the intent to close a portion of the right-of-way and scheduled a public hearing on the matter for tonight's meeting. Mr. Nalley went on to state that the Town Attorney is reviewing whether or not the Town has the legal authority to close a small portion of the right-of-way as requested by Mr. and Mrs. Webb or if the Town is required to close the entire width of the right-of-way as indicated in the General Statutes. Additional time is required by the Town Attorney in order for her to complete this review.

Mayor Taylor then asked for public comments. Dan Ervin of 509 South Carolina Terrace expressed his concern over the location of the proposed retaining wall including its height, appearance, and ability to hold back the soil. Mr. Ervin requested that the driveway leading to his home be preserved as it has been for the last fifty years. Jamie Webb of 511 South Carolina Terrace stated that the exact location of the wall has not been determined and that the retaining wall will be constructed of material similar to other concrete stone block walls in town. Mr. Webb went on to state that they will obtain all the proper permits and meet certain engineering

requirements to ensure that the wall is properly and safely constructed. Jennings White of 501 South Carolina Terrace expressed his concern that the public not lose its access to the greenspace near the creek. Ann Rogers of 527 Calvin Trail expressed concern with the way the creek has rip rap to protect the Webb's property and how the proposed block retaining wall construction will impact the creek and stormwater drainage coming from the lot and street above the property. Mrs. Rogers reminded the Board that Flat Creek is one of Montreat's most important resources and needs protection and added that stronger regulations and oversight is needed for construction projects. Mrs. Rogers also stated that problems with access to the site should have been realized from the beginning of construction and not at the end of the project. Mr. Webb responded that the retaining wall will not be near the stream, but located approximately where the silt fence is currently. Mr. Webb stated that the odd shape of the lot is the source of the problem with access and that what seemed to work before construction would not work now. Ellissa Webb stated that the architect initially felt the plan for access would work and that during construction, plans for the patio and porch were eliminated because of the situation. She went on to say that drainage will be constructed behind the wall so that the stormwater can be disposed of properly. Mary Nell Todd of 143 Eastminster Terrace expressed her concern that there are a vast number of unknowns about the project including the elevation, drainage, location, and height of the wall. With this in mind, Mrs. Todd feels that it is too early to decide if this is an appropriate transfer of public right-of-way. There being no further comments, Mayor Taylor declared the public hearing closed reminding those present that the Board's discussion of this matter will be held later during the meeting under new business.

Presentation to Council – 2008-2013 Capital Improvement Program

Town Administrator Ron Nalley gave a short presentation on the 2008-2013 Capital Improvement Program. The presentation included a definition of what is a capital improvement program, what items are included in a capital improvement program, how the town prioritizes projects and the steps for approving the plan. Mr. Nalley encouraged people to be thinking about possible projects stating that staff encourages input and values citizen opinions.

Communications From the Mayor

Mayor Taylor distributed information about the Fit Community Designation which recognize and reward North Carolina municipalities and counties that excel in supporting physical activity, healthy eating and tobacco use prevention in the community, schools and workplaces. Mayor Taylor hopes that the Town might prepare an application for consideration next year. Mayor Taylor reported that RiverLink will be sponsoring a Community Drought Forum on Friday, February 22nd beginning at 8:00 a.m. on A-B Tech Campus to discuss the current drought and water conservation measures. Mayor Taylor also noted that the North Carolina Transportation Improvement Plan has been released and is available at Town Hall for review and comments.

Review of the Consent Agenda

Mr. Nalley summarized the items listed on the Consent Agenda, which included the minutes of the December 6, 2007 Agenda Meeting, December 13, 2007 Town Council Meeting, as well as approval of Fiscal Year 2007-2008 Budget Amendment #3 to appropriate \$29,174 of the Town's fund balance for the paving of Texas Road Extension.

Communications From the Town Administrator

Zoning Activity Report: Mr. Nalley reported that eight projects had received Certificates of Zoning Compliance during the month of December and that two projects were still pending. He also noted that Building Inspection fees totaled \$1,441.30 for the month with six permits approved and twenty-four inspections.

Planning and Zoning Commission Update: Mr. Nalley advised that the Planning and Zoning Commission met at the end of December and approved the Conditional Use request by the Mountain Retreat Association. The Commission will be meeting in January to discuss the Comprehensive Plan and is expected to make a formal recommendation back to the Town Council in February or March.

Board of Adjustment Update: Mr. Nalley stated that the Board of Adjustment approved the Mountain Retreat Association's Conditional Use Permit application in December and is not scheduled to meet in January.

Evaluation of Town Administrator: Mr. Nalley referred to a memorandum outlining the process for his annual evaluation and to the evaluation forms included in the agenda packet. The evaluation will be conducted similar to last years with the only exception being that former Commissioner Chip Craig will be asked to participate in the review process. The Board scheduled Mr. Nalley's evaluation for Monday, February 4, 2008 at 4:30 p.m. in the Town Services Office. Mayor Taylor requested that the evaluation forms be returned to her by Friday, February 1st. Mr. Nalley added that a summary of the goals accomplished over the last year, updated salary information and a summary of the areas discussed during his previous evaluation will be forwarded to the Board by email during the next week.

Scheduling of 2008 Board Retreat: The Board of Commissioners scheduled the 2008 Board Retreat for Saturday, March 1st beginning at 9:00 a.m. at the North Carolina Arboretum. Mr. Nalley requested that the Board provide to him a list of topics they wish to discuss at the Board Retreat.

Montreat Landcare Electric Vehicle Initiative: Mr. Nalley reported that Montreat Landcare recently submitted a grant to the North Carolina Department of Environment and Natural Resources on behalf of the Town, Conference Center and College for two electric vehicles. The first vehicle will be used primarily by the Conference Center as a shuttle service. The six passenger vehicle will be used to transport visitors to and from the different facilities during the

conference season. The second vehicle is similar to a small utility vehicle and will be used jointly by the College and Town. Montreat Landcare, the Town and the College will provide their own match for the grant proposal and the Conference Center's match for the project will be provided by an anonymous donor. If awarded, the three entities will develop a shared use and maintenance agreement for the vehicles.

Building Inspector/Code Administrator Position Update: Mr. Nalley reported that the Town has received around forty applications for the Building Inspector/Code Administrator position. The advertisement will continue to run over the next week or two. A supplemental questionnaire will be sent to the applicants that meet the general qualifications for the position. Once those are reviewed, Mr. Nalley will then narrow the field of applicants for initial interviews.

Administrative Reports

Police Chief: Chief McClintock introduced Jack Staggs who began working as a patrol officer for the Town on December 31st and commented that he will be a welcome addition to the police force. The Chief then presented and reviewed his activity report for the month of December and gave a brief update on how unusually busy the month was for the department. Dispatched calls increased twenty-five percent over last year, including eleven calls for EMS service, three small fire calls, two larcenies and three reports of vandalism.

Public Works Director:

Sanitation Update: Mr. Caldwell reported a large increase in the tonnage of garbage disposed of at the compactor site as compared with December of last year suspecting that a majority of that increase can be attributed to people from outside Montreat using the dumpsters. Mr. Caldwell hopes that the proposed new fence will prevent some of the unauthorized dumping.

Water System Update: Mr. Caldwell reported that during the most recent cold snap, six homes were found with broken water pipes and that the home owners had been notified. The Town is encouraging voluntary water conservation from Montreat residents and institutions. Water conservation kits are still available free of charge at the Town Services Building.

Streets Update: Mr. Caldwell reported that Progress Energy had installed new high pressure sodium "night cap" style street lights in four locations throughout the Town. He advised that one light was installed just inside the Gate near Virginia Road and encouraged the Board members and residents to take a look at them.

Finance Officer:

Financial Reports: Mr. Stackhouse presented and reviewed the final November 2007 and preliminary December 2007 Financial Reports. There were no questions or comments from the Council at this time.

Commissioner Reports

Mayor Pro Tem Nichols had no report at this time.

Commissioner Currie was absent and had no report.

Commissioner Hollins had no report at this time.

Commissioner McCaskill had no report at this time.

Commissioner Tate reported that the Parks and Recreation Committee met on January 8th and that the minutes of that meeting were emailed to the Commissioners.

Public Comment

There was no public comment at this time.

Old Business

There was no old business scheduled for discussion.

New Business

Resolution Ordering the Closure of a Portion of the Right-of-Way Known as South Carolina Terrace Extension: Commissioner McCaskill stated the need for retaining walls over five feet in height to be designed by an engineer, that appropriate surface drainage for the project should be included in the design as well as his concern over the number of trees that will have to be removed because of the project. Commissioner Hollins expressed his interest in pursuing an agreement for the use of the right-of-way rather than to permanently close a portion of the right-of-way. In response to a question from Commissioner Hollins, Mr. Webb stated that the consequences of the Board not taking action on the matter would result in requiring them to perform a multi-point turn in order for them to enter the garage. Mayor Taylor requested that Town Attorney Susan Taylor Rash be asked to attend the next meeting to report on her findings about the Town's ability to close a portion of right-of-way rather than the full width of the right-of-way and that this matter be tabled until that time.

Proposed Revisions to Montreat Zoning Ordinance Article V and VI – Location of Building Lines on Irregularly Shaped Lots: Commissioner Hollins moved to call for a Public Hearing on February 14, 2008 at 7:00 p.m. or as soon thereafter as possible to consider proposed revisions to Montreat Zoning Ordinance Article V and VI – Location of Building Lines on Irregularly Shaped Lots. Commissioner Tate seconded the motion and all voted in favor. The motion carried 4/0.

**Montreat Board of Commissioners
Town Council Meeting
January 10, 2008**

Request to Use Public Right-of-Way – Jimmie D. and Clary R. Phipps, 106 John Knox Road: Mayor Pro Tem Nichols moved to approve the agreement between the Town of Montreat and Jimmie D. and Clary R. Phipps to construct a hillside straight rail chair lift in the public right-of-way. Commissioner Hollins seconded the motion and all voted in favor. The motion carried 4/0. In response to a question from the audience, Town Administrator Ron Nalley stated that in the past, the Board of Commissioners had approved the construction of chair lifts as an acceptable use of the public right-of-way and that the Board formalizes each request with an agreement between the Town and property owner.

Request to Use Public Right-of-Way – Erskine Clarke, Providence Terrace: Town Administrator Ron Nalley reported that the Town has received a request from Erskine Clarke, who owns a lot on Providence Terrace, to locate a private sewer line along the public right-of-way. The private sewer line would terminate at a manhole on Salem Drive. Mr. Nalley showed a map detailing the proposed line and stated that Public Works Director Charles Caldwell had discussed the request with the Metropolitan Sewerage District who indicated that they would not extend the public line but would issue a sewer allocation letter for the project if the Town allowed for the private line to be located within the public right-of-way. Mr. Nalley concluded by saying that this brings forward the need for the Board to discuss under what circumstances the Town will extend public water and sewer to the undeveloped lots located along dedicated public rights-of-way. In response to a question from Commissioner McCaskill, Mr. Nalley stated that if allowed, this will be the third private sewer line extended along Providence Terrace. Commissioner McCaskill requested that the Board consider extending public water and sewer to all the lots in that area. Commissioner Hollins expressed his concern that the Town should not underwrite the costs for these extensions but that the Town should consider an assessment program for those property owners who would benefit from the extensions. Commissioner McCaskill moved to authorize the Town Administrator and Town Attorney to develop an agreement to allow the placement of a public sewer line that will be acceptable to the Metropolitan Sewerage District in the public right-of-way along Providence Terrace and to authorize the Mayor to execute the necessary legal documents. Commissioner Hollins seconded the motion and all voted in favor. The motion carried 4/0.

Request to Upgrade Texas Spur – John M. Jordan, J&S Developers: Mr. John M. Jordan with J&S Developers gave a brief account of his families history in Montreat and background information on the home he has just purchased and intends to remodel on Texas Spur. Mr. Jordan is interested in the Town repairing or allowing him to repair Texas Spur and bring it up to proper standards. Mr. Jordan proposes to install new creosote poles parallel to the road and then to construct a new retaining wall in order to widen and improve his safety concerns with the road. Commissioner McCaskill expressed his concern that what Mr. Jordan is proposing will not meet the town's standards for road improvements. In response to a question from Commissioner Hollins, Mr. Jordan stated that the reason for his request to make the road safer. Mr. Jordan feels that Texas Spur will receive more traffic in the future and that a streetlight and at least a guardrail are warranted. In response to a question from Mayor Pro Tem Nichols, Mr. Nalley stated that normally this type of request would be submitted and considered during the Capital Improvement Plan process. Staff would need to establish some estimated costs for the project

**Montreat Board of Commissioners
Town Council Meeting
January 10, 2008**

and the Board would then be asked to weigh this request against their priorities, the community's needs and the Town's financial obligations. The Board asked Mr. Nalley to prepare preliminary estimates for the cost of bringing Texas Spur up to Town standards and include those for consideration in the Capital Improvement Plan process.

Water Shortage Response Plan: Mayor Pro Tem Nichols moved to call for a Public Hearing on February 14, 2008 at 7:10 p.m. or as soon thereafter as possible to consider adoption of the Water Shortage Response Plan. Commissioner Tate seconded the motion and all voted in favor. The motion carried 4/0.

Public Comment

Mr. Jordan and Mr. Webb both thanked Mr. Nalley for his willingness to help residents with municipal issues and expressed their appreciation for his service to the Montreat community.

Meeting Dates

Mayor Taylor announced the following upcoming meeting dates:

<u>January Planning & Zoning Commission Meeting:</u>	January 17, 2008, 7:00 p.m., Kirk Allen Building
<u>January Board of Adjustment Meeting:</u>	January 24, 2008, 7:0 p.m., Kirk Allen Building (If Required)
<u>Town Services Office Closed:</u>	January 21, 2008 Martin Luther King, Jr. Holiday
<u>Martin Luther King Jr., Garbage Collection Date:</u>	Tuesday, January 22, 2008
<u>Agenda Items Due:</u>	February 1, 2008, 4:30 p.m., Town Services Office
<u>Agenda Packets Available:</u>	February 6, 2008 Town Services Office
<u>February Agenda Meeting:</u>	February 7, 2008, 7:00 p.m. Kirk Allen Building
<u>February Town Council Meeting:</u>	February 14, 2008, 7:00 p.m., Kirk Allen Building

**Montreat Board of Commissioners
Town Council Meeting
January 10, 2008**

Adjournment

There being no further business to discuss, Commissioner Hollins moved to adjourn the Town Council Meeting. Mayor Pro Tem Nichols seconded. The motion carried 4/0 and the meeting was adjourned at 8:25 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk