

**Town of Montreat  
Board of Commissioners  
Agenda Meeting Minutes  
February 5, 2009 – 7:00 p.m.  
Kirk Allen Building**

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The Montreat Board of Commissioners held their regularly scheduled Agenda Meeting on February 5, 2009 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 Ruth Currie, Commissioner Bill Hollins, and Commissioner O'Neil Tate. Commissioner Jack McCaskill was absent. Representing Town Staff were Town Administrator Ron Nalley, Chief of Police William B. McClintock, Town Clerk Misty R. Gedlinske, Finance Officer Stefan Stackhouse and Building Inspector/Code Administrator David Currie. Two members of the public were also present. After calling the meeting to order, Mayor Taylor led the group in reciting the Pledge of Allegiance and gave the invocation.

**Agenda Approval**

Commissioner Hollins moved to adopt the meeting agenda as presented. Mayor Pro Tem Nichols seconded and the motion carried 4/0.

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

Mayor Taylor said the Council would hold a Public Hearing on this matter during next week's meeting.

**Communications From the Mayor**

Mayor Taylor reported that the 2009 Mayor's Cup Raft Race would be held on June 7, 2009. She also advised that the Land-of-Sky Regional Council was preparing a list of discussion topics for presentation to the State Legislature on February 25, 2009 and asked the Council members and staff to submit any suggestions they may have to her for inclusion on that list.

**Review of the Consent Agenda**

Mr. Nalley summarized the items listed on the Consent Agenda, which included the minutes of the January 5, 2009 Special Meeting and the January 8, 2009 Town Council Meeting. Also included on the Consent Agenda were approval of an amended Resolution Honoring George Beverly Shea on the Occasion of His 100<sup>th</sup> Birthday and a call for a Public Hearing on March 12, 2009 at 7:00 p.m. or as soon thereafter as possible to discuss the proposed 2009-2014 Capital Improvements Program.

**Communications From the Town Administrator**

Town Administrator Evaluation Scheduling: After brief discussion, the Board agreed by consensus to conduct the Town Administrator's annual performance evaluation on February 23, 2009 in the Town Services Office.

2009 Board Retreat Scheduling: Mr. Nalley advised that he had a potential conflict with the proposed March 7, 2009 Board Retreat meeting date. After discussion, the Board agreed by consensus for Mrs. Gedlinske to determine whether the Arboretum was available on February 28, 2009 and to ask Commissioner McCaskill if he could be available that day.

Economic Recovery Stimulus Package: Mr. Nalley said staff had successfully met all posted application deadlines for economic recovery stimulus package grant funding. He listed the four possible projects eligible for grant funding, which included bridge replacement on Texas Road, Assembly Drive repaving, waterline replacement on a portion Greybeard Trail and well drilling in two locations. He also advised that a workshop sponsored by Representative Heath Shuler's office and Land-of-Sky Regional Council was scheduled for February 19.

Public Utility Assessment Process Outline: Mr. Nalley presented a procedural outline for public utility assessments and said staff would look for direction from the Council at next week's meeting as to whether to begin the assessment process for Providence Terrace. He explained that the authority to impose public utility and street assessments was already provided under current North Carolina General Statutes.

Sawyer Settlement Agreement Update: Mr. Nalley advised that a Confession of Judgment had been filed against former Town employee Brian Sawyer due to Mr. Sawyer's failure to comply with the terms of his Settlement Agreement with the Town. The Confession of Judgment will be in effect until the entire settlement amount Mr. Sawyer owes to the Town is paid, along with any applicable interest penalties.

Proposed Telecommunications Tower Facility Update: Mr. Nalley said he met recently with representatives from Montreat College, Mountain Retreat Association, South Carolina Home and Towers XX, LLC to discuss possible alternate locations for the proposed cellular telecommunications tower. He advised that the South Carolina Home location was the most viable option other than the Appalachian Way water tank site, and that a tower installed at this location may only need to be between 80 and 110 feet in height. The signal coverage from a cellular tower constructed at the South Carolina Home site would be comparable to the Appalachian Way site with the exception of the area directly behind South Carolina Home. Mr. Nalley said the South Carolina Home's Board of Directors would pursue continued negotiations with Towers XX and that he would advise the Board of any further developments. Commissioner Currie noted that the Board had heard many complaints from residents who did not want a cellular tower constructed at any location within the Town and felt it was important to point out that the Board did not have the authority to prevent this.

### **Administrative Reports**

Police Chief: Chief McClintock stated he would give his monthly departmental activity report at next week's meeting. He presented a traffic study he had conducted between the months of July through December which indicated an average of 1100 vehicles per day entering Montreat. He also stated that Montreat College no longer employed a day-time campus police officer due to

personnel cuts and explained how his department was responding to assistance calls during this time.

Public Works Director: Mr. Caldwell reported that all but 44,000 gallons of the water received from the Town of Black Mountain during the summer months had been returned, and that staff planned to present bids for the Appalachian Way paving project to the Council at their March meeting.

Finance Officer: Mr. Stackhouse presented and reviewed the final December 2008 and preliminary January 2009 Financial Statements. He said he would also provide a quarterly investment earning report for the period ending December 31, 2008 at next week's meeting, and planned to complete a Request for Proposals (RFP) for property and liability insurance coverage by the end of the month. Mr. Nalley asked Mr. Stackhouse to also compile a report indicating the exact amount the Town's revenues were below budgeted amounts in both the General Fund and Water Fund for Council's reference during next week's meeting.

Building Inspector/Code Administrator: Mr. Currie said he would present his monthly activity report at next week's meeting.

### **Commissioner Reports**

Mayor Pro Tem Nichols asked the Council to hold a workshop to discuss the Revenue Source Committee's recommendations for alternate revenue sources, particularly vehicle permit fees. Mr. Stackhouse commented that a local bill would first need to be approved by the State Legislature before vehicle fees could be enacted. After discussion, the Board agreed by consensus to discuss the Revenue Source Committee's recommendations at the upcoming Board Retreat.

Commissioner Currie asked that next week's meeting agenda be amended to include consideration of Philip Arnold's appointment to the Open Space Conservation Committee. She also said Don McDougald was interested in assisting this Committee in an advisory capacity. The Board agreed by consensus to the requested agenda amendment.

Commissioner Hollins said he would present a written report from the Audit Committee at next week's meeting. Commissioner Currie asked how the use of fleet credit cards for fuel purchases could be enacted. Mr. Stackhouse advised that BP gas stations cards were already issued for the Public Works and Police Department but were not used exclusively. Mr. Caldwell explained that his department did not purchase fuel from BP stations exclusively because another local station offered lower prices, had a more reliable source of diesel fuel and was located in a more convenient location to fuel large equipment such as the Town's backhoe. Chief McClintock said his department would benefit from having an expense account or credit card at more than one station to ensure fuel availability during overnight hours or during times of fuel shortage. Commissioner Hollins stated that the Audit Committee's recommendation to use fleet credit cards was based on the availability of vehicle unit numbers and odometer readings for each

purchase listed on the monthly billing statements as a means of tracking fuel purchases, and said that similar practices were common in larger municipalities.

Commissioner McCaskill was absent.

Commissioner Tate said that minutes from the recent Parks and Recreation/Montreat LandCare Committee meeting would be e-mailed to the Council upon completion.

### **Public Comment**

Wade Burns complimented the Public Works Department on their recent brush removal and street cleaning efforts.

### **Old Business**

Proposed Revisions to the Ordinance Regulating the Construction and Financing of Public Improvements: Mr. Nalley pointed out that language addressing street standards was not included in the draft ordinance. He explained that staff recommended that the Board postpone adoption of the ordinance until March in order to hear any comments from the public on the existing document and allow staff an opportunity to draft a separate Street Standards Ordinance that may be adopted simultaneously. Commissioner Currie noted that the proposed revision language included a statement that no private water lines would be allowed unless sewer services were also provided for and asked whether private sewer lines would also require water system access. Mr. Nalley said the language of this section was still under staff review based on recent input from the public and discussion with the Town Attorney.

### **New Business**

Request to Use Public Right-of-Way: Craig Powell, Mary Hill and Wade Burns, 234 North Carolina Terrace: Mr. Nalley said staff had received a request from Craig Powell and Mary Hill through their architect Wade Burns to install two closed loop vertical geothermal wells at their residence on North Carolina Terrace. The proposed wells would be approximately forty feet away from the paved portion of North Carolina Terrace. Mr. Nalley explained that the property owners believed this location was necessary because it was the only place that would accommodate the drilling rig due to the lot's property boundaries and terrain. He said that unlike in most circumstances where the requested right-of-way use involved a temporary or easily removed object or structure, the proposed geothermal wells were estimated to be 235 feet deep and tied permanently to the home's heating system. Mr. Nalley also presented a letter from Wade Burns detailing the request and a survey of the property showing the location of the proposed wells, which Mr. Nalley noted were well away from the traveled portion of right-of-way, all underground, and likely never impede on any future plans of the Town. Mr. Nalley also pointed out that all suggested motions presented to the Council for consideration were worded in the affirmative unless otherwise instructed by the Board. Wade Burns then presented and reviewed a diagram showing the wells' location in relation both to the house and to the public

right-of-way. He explained how geothermal heat pumps functioned and how the system's underground pipe could be relocated should the Town ever need access to the right-of-way in this area. Discussion was then heard concerning whether approving the request would create a precedent for allowing permanent, private use of public rights-of way and how much latitude the Town would have to approve or deny such requests on an individual basis. Mr. Nalley said that while the Council could choose to place conditions on any approved use of public right-of-way, similar future projects should also be allowed if the Board chose to approve this request. Commissioner Hollins felt it should be made clear to the property owners that any private use of the public right-of-way occurred at their own risk.

Police Vehicle Purchase: Chief McClintock presented bid information from two separate dealerships for a 2009 Chevrolet Impala. He indicated that the purchase price listed on the bid sheet did not include tax, title or tag fees or the cost of installing decals, lights or sirens. Mayor Taylor advised that staff would soon finish developing a vehicle purchase policy that would guide future vehicle purchases for all departments. Mr. Nalley said he expected a draft policy to be ready for consideration at the upcoming Board Retreat.

Sanitation Services Contract Approval – Montreat College: Mr. Nalley said that Montreat College had approached the Town in December about offering disposal-only sanitation services to their facilities. He explained that College staff would be responsible for collecting the garbage from their facilities and disposing of it in the Town's compactors and recycling bins. Mr. Nalley presented a draft agreement in the amount of \$14,520 which he explained was based on estimated tonnages and included an option for either entity to review their costs at the end of the first year and either revise or terminate the contract. At Mayor Pro Tem Nichols' request, Mr. Nalley agreed to add language to the proposed contract stating that no refuse from the College's Black Mountain campus would be disposed of in the Town's compactors or recycling bins.

Montreat LandCare Committee Establishment: Mr. Nalley said that for the past several months the Parks and Recreation Committee had been considering disbanding and reforming as the Montreat LandCare Committee. He explained that if this change took place, the LandCare Committee's member entities would appoint representatives to serve on this Committee, with fiscal responsibility and staff support to be provided by the Town. A Resolution establishing the Montreat LandCare Committee, as well as draft Bylaws and a Memorandum of Understanding would be forwarded to the Council members for their review.

Mr. Nalley also reported that because the Mountain Retreat Association received an unexpected donation of \$10,000 toward the purchase of a four-passenger electric vehicle, Montreat College and the Town were able to purchase an additional electric utility vehicle for their shared use with the remaining grant funds originally obtained for this purpose.

Montreat Post Office Resolution: Mr. Nalley advised that staff had been asked whether Town ordinances prohibited street-side residential mailboxes. He explained that this was not the case, and said that staff was unable to locate any ordinance from another location in North Carolina regulating mailboxes. Mr. Nalley said that there had also been some conflicting discussion

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within the community both supporting street delivery within the Town and in favor of continuing the current use of post office boxes. He presented a draft resolution in support of the Montreat Post Office's current method of mail delivery service for the Council's consideration. During discussion, Commissioner Hollins expressed some concern that the U.S. Postal Service may choose to close certain smaller or rural Post Offices as a cost-cutting measure. Mr. Nalley said he did not believe this was the case. Commissioner Currie and Commissioner Hollins both expressed their disapproval of street-side mailboxes for aesthetic reasons.

Planning and Zoning Commission Appointment: Mayor Taylor presented an application from Emory Underwood for appointment as a regular member of the Planning and Zoning Commission. She explained that if appointed at next week's meeting, Mr. Underwood would replace Linda Stroupe on that Commission.

**Public Comment**

Philip Arnold said he spoke to Montreat's Postmistress recently and was told that the Post Office was profitable.

**Meeting Dates**

Mayor Taylor announced the following upcoming meeting dates:

<u>Town Council Meeting:</u>	February 12, 2009, 7:00 p.m., Kirk Allen Building
<u>Planning &amp; Zoning Commission Meeting:</u>	February 19, 2009, 7:00 p.m., Kirk Allen Building
<u>Agenda Items Due:</u>	February 27, 2009, 4:30 p.m., Town Services Office
<u>Agenda Packets Available:</u>	March 3, 2009 Town Services Office
<u>Montreat LandCare Committee Meeting:</u>	March 3, 2009, 9:30 a.m., Andy Andrews Gallery
<u>March Agenda Meeting:</u>	March 5, 2009, 7:00 p.m., Kirk Allen Building
<u>Annual Board Retreat</u>	TBA
<u>March Town Council Meeting:</u>	March 12, 2009, 7:00 p.m., Kirk Allen Building

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March Planning & Zoning Commission Meeting:

March 19, 2009, 7:00 p.m.,  
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**Closed Session**

Commissioner Hollins moved that Council enter into Closed Session in accordance with North Carolina General Statute §143-318.11(5) to discuss the proposed acquisition of real property. Commissioner Tate seconded and the motion carried 4/0. No action was taken during the Closed Session.

**Adjournment**

Upon returning to open session, Mayor Pro Tem Nichols moved to adjourn the Agenda Meeting. Commissioners Hollins seconded. The motion carried 4/0 and the meeting was adjourned at 9:25 p.m.

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Letta Jean Taylor, Mayor

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Misty R. Gedlinske, Town Clerk