

**Town of Montreat  
Board of Commissioners  
Agenda Meeting  
February 7, 2008 – 7:00 p.m.  
Kirk Allen Building**

The Montreat Board of Commissioners held their regularly scheduled Agenda Meeting on February 7, 2008 at 7:00 p.m. in the Kirk Allen Building. Present among the Board were Mayor Letta Jean Taylor, Commissioner Bill Hollins, Commissioner Ruth Currie, and Commissioner O’Neil Tate. Mayor Pro Tem Eric Nichols arrived at 7:28 p.m. Commissioner Jack McCaskill was absent. Representing Town Staff were Town Administrator Ron Nalley, Town Attorney Susan Taylor Rash, Public Works Director Charles Caldwell, Chief of Police William B. McClintock and Finance Officer Stefan Stackhouse. One member of the public was 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. Commissioner Currie seconded and all voted in favor. The motion carried 3/0.

**Public Hearing – Consideration of Proposed Revisions to Montreat Zoning Ordinance  
Article V and VI – Location of Building Lines on Irregularly Shaped Lots**

Mayor Taylor advised that the Council would hold a Public Hearing at next week’s meeting in order to consider proposed revisions to Montreat Zoning Ordinance Article V and VI – Location of Building Lines on Irregularly Shaped Lots.

**Public Hearing – Consideration of Proposed Water Shortage Response Plan**

Mayor Taylor advised that the Council would hold a Public Hearing at next week’s meeting in order to consider the proposed Water Shortage Response Plan.

**Presentation to Council – Swannanoa Incorporation Update –  
Swannanoa Incorporation Task Force**

Mayor Taylor also advised that the Council would receive a presentation and update from the Swannanoa Incorporation Task Force concerning the incorporation of Swannanoa.

**Communications From the Mayor**

Mayor Taylor reported that Montreat College has received a \$75,000 grant from the Health and Wellness Trust Fund Commission of North Carolina for the purpose of supporting the college’s efforts to make all of the college campuses tobacco free. Mayor Taylor also reported that Erskine Clarke had contacted her regarding his concern over the Board’s decision to require him to install to town standards, an eight-inch sewer line at the cost of \$42,000.00 including engineering costs. Mr. Clarke feels that the cost is high and is different from what was required of others in the past. Mr. Clarke hopes the Board will reconsider their decision and that he not

be required to bear the cost of the installation alone. Mr. Clarke has agreed to sign the agreement with the Town allowing him to install the sewer line in order to receive his building permit but hopes that the Council will help him explore other options for installing a public sewer line. Additional discussion of this matter will take place at the Board's annual retreat on March 8<sup>th</sup>.

### **Review of the Consent Agenda**

Mayor Taylor summarized the items listed on the Consent Agenda, which included the minutes of the January 3, 2008 Agenda Meeting and the January 10, 2008 Town Council Meeting. Commissioner Currie noted one minor correction to the January 3, 2008 Town Council meeting minutes.

### **Communications From the Town Administrator**

Zoning Activity Report: Mr. Nalley reported that five projects had received Certificates of Zoning Compliance during the month of January and that three projects were pending. He also noted that Building Inspection fees totaled \$422.00 for the month with four permits approved and eighteen inspections.

Planning and Zoning Commission Update: Mr. Nalley advised that the Planning and Zoning Commission did not have a quorum necessary to hold a meeting in January. It is expected that the Planning and Zoning Commission will meet in February to discuss the Comprehensive Plan and is expected to make a formal recommendation back to the Town Council.

Board of Adjustment Update: Mr. Nalley stated that the Board of Adjustment had no cases before them for consideration and so they did not meet in January.

Scarborough Property Transfer Update: Mr. Nalley reported that the deed work has been completed by the Town Attorney and that the deeds are with the Montreat Conference Center for signatures. It is expected that all the work for this project will be completed shortly.

Building Inspector/Code Administrator Position Update: Mr. Nalley advised that the Town has received approximately forty applications for the position. Two of the applicants had their level one or level two certificates in place and it was decided by the hiring committee that they would interview those applicants first. Commissioner Currie commented that she would like to make sure that the position advertised makes the most sense for the organization and that the position is the most helpful for Mr. Nalley. Mr. Nalley will continue to update the Board on their progress.

Texas Spur Improvement Project: Mr. Nalley reported that staff had completed two cost estimates for improving Texas Spur. Option one, in the amount of \$31,500, includes costs that will satisfy most of the safety concerns of Mr. Jordan. The second option, in the amount of \$287,500, will be the cost needed to bring the road up to standards required by our town ordinance. Mr. Nalley referenced a letter from Susan Taylor Rash, Town Attorney, which

responded to several of the questions raised by Board members at the last meeting. Mr. Nalley continued by stating that based on the direction received at the last meeting, he plans to include the cost estimates in the discussion during the Capital Improvements Plan at the Board Retreat. Commissioner Hollins stated that many roads in Montreat are not constructed to town standards and that the cost and need for the project ought to be weighed against the many other needs of the community.

Town Hall/Public Works Facility Construction Plan: Mr. Nalley explained that he had drafted a report detailing plans for moving forward with the construction of a new town hall and public works facility. Mr. Nalley requested additional time to complete the report and asked that the Board consider this item during their Board Retreat.

### **Administrative Reports**

**Police Chief**: Chief McClintock stated he would give his monthly departmental activity report at next week's meeting.

#### **Public Works Director**:

Sanitation Update: Mr. Caldwell reported that the installation of a chain link fence around the compactor site is now complete and that there is a marked decrease in the amount of illegal dumping at the site.

Water System Update: Mr. Caldwell reported that the Town is still encouraging voluntary water conservation from Montreat residents and institutions. Mr. Caldwell also reported that repairs have been completed on several of the fire hydrants and that due to the drought the department will not flush the hydrants in the spring.

Streets Update: Mr. Caldwell reported that Progress Energy has completed the installation of high pressure sodium "night cap" style street lights in four locations throughout the Town. He advised that one light is installed near the Gate.

#### **Finance Officer**:

Financial Reports: Mr. Stackhouse presented and reviewed the final December 2007 and preliminary January 2008 Financial Reports.

### **Commissioner Reports**

Mayor Pro Tem Nichols was absent at this time.

Commissioner Currie had no report at this time.

Commissioner Hollins had no report at this time.

Commissioner McCaskill was absent.

Commissioner Tate reported that the Parks and Recreation Committee met on February 5<sup>th</sup> and the minutes of the meeting will be sent to the Commissioners by email.

### **Public Comment**

Wade Burns commented on the proposed changes to the zoning ordinance as it relates to irregularly shaped lots. Mr. Burns felt that there are reasons at times to adjust the setbacks on certain lots. He also feels that there should be a middle ground between eliminating the proposal altogether and having to appear before the Board of Adjustment in order to receive a variance. Mr. Burns went on to say that so many lots are irregular in Montreat due to shape or topography and those adjustments allowed by the ordinance can save trees or prevent someone from cutting deeply into a bank. Mr. Burns feels that a hard-line approach would result in damage to the environment. He suggested that another solution might be to have the provisions of the ordinance decided or interpreted by another board but not as a variance procedure. Mr. Burns then commented on the street standard requirements and that it helps Montreat to have narrow roads and that the most dangerous roads are those that are wide enough to allow residents and visitors to get up some speed.

### **Old Business**

Resolution Ordering the Closure of a Portion of the Right-of-Way Known as South Carolina Terrace Extension: Town Attorney Susan Taylor Rash stated that the request to close a portion of the right-of-way along South Carolina Terrace Extension is a little different than previous requests received by the town. Instead of requesting the closure of the full width of the right-of-way, the Webb's are requesting the closure of only a small portion of right-of-way. After reviewing case law on the matter, it was still not clear whether the Town had the legal authority to close only a portion of the right-of-way. After discussing this matter with David Lawrence with the School of Government, Mr. Lawrence felt that the Town could close a portion of right-of-way but that it should be explained to the property owner that the statute is not clear and that if the Board wanted to go ahead, you could but that if a court decides in the future that Towns do not have that authority then whatever is built within the right-of-way becomes an encroachment and that the property owner will be taking on that risk. It was recommended that if the Board chooses to close the portion of right-of-way that the Board should obtain in writing the agreement from the property owner that they understand that the statute does not clearly allow this and that the property owner takes any risk if it is found by a court not to be valid. Mr. Nalley commented that the additional information requested by the Board at the last meeting is attached to the agenda packet. Commissioner Currie suggested that a third option might be to allow the property owner the use of the right-of-way through an agreement with the Town. Susan Taylor Rash responded that there is a provision in the ordinance that does allow the private use of the right-of-way if it provides a public benefit and that the Town has used this in the past under these types of situations. The agreement allows the Town to keep the right-of-way for future use but allows the property owner to proceed with the project at their own risk.

Commissioner Hollins stated he would prefer this option and requested that a motion be added to the agenda to consider an agreement with the property owner that would allow the private use of the right-of-way. Mayor Pro-tem Nichols requested that when the agreement is developed that provisions be included to help prevent erosion, protect the stream, establish a reasonable wall height and include landscaping.

**New Business**

Proposed Revisions to Montreat Zoning Ordinance Article V and VI – Location of Building Lines on Irregularly Shaped Lots: Mayor Taylor stated that the Board will be holding a public hearing at the next meeting in order to consider proposed revisions to Montreat Zoning Ordinance Article V and VI – Location of Building Lines on Irregularly Shaped Lots.

Water Shortage Response Plan: Mayor Taylor stated that the Board will be holding a public hearing at the next meeting in order to consider the Water Shortage Response Plan. Mayor Taylor requested that Montreat College and Montreat Conference Center be sent a draft of the plan and that we request their feedback in time for consideration of the plan. In response to a question from Commissioner Hollins, Mr. Nalley stated the conservation rates are tied to the operating status of the system. During normal operations or a request for voluntary conservation, the charge for water is at its normal rate. During mandatory conservation, water rates are increased to twice the normal rate and during an emergency declaration, it is proposed that water rates will be increased to four times the normal rate. Mr. Nalley went on to say that conservation rates have proven to be successful in reducing customers water usage during times when there is a limited supply.

Resolution Honoring Montreat Conference Center President George Barber and Wanda Barber: Mayor Taylor requested that Mr. Nalley invite George and Wanda Barber to the next meeting in order to present them with a framed copy of the Resolution.

Resolution Accepting Offer of Dedication by Montreat College and Longmeadow Homes, LLC: Town Attorney Susan Taylor Rash explained that the property know as the “Andelk Property” was owned by Montreat College when the Conference Center recorded a series of deeds in 1935. The 1935 plat is attached to the offer of dedication and right-of-way and greenspace agreement between the Town and Conference Center approved in 1983. As a result, the Conference Center did not own the streets or rights-of-way in this area at the time of the offer of dedication. Chapman Road has been maintained by the Town for a number of years; however, there are some unnamed roads that have not been maintained. This Resolution establishes for the first time the right-of-way for these unnamed roads. Mrs. Rash referenced a 1916 map of the Andelk property and pointed out the rights-of-way offered for dedication by Montreat College and Longmeadow Homes. In response to a question from Commissioner Currie, Mrs. Rash discussed the one acre parcel owned by Joanne Smith which has access to the property through a private easement provided by Robert Sulaski.

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2008-2013 Capital Improvement Plan: Mr. Nalley requested additional time to complete the draft of the 2008-2013 Capital Improvement Plan. The plan will be presented at the Board's next meeting on February 14<sup>th</sup> and following that meeting, the Board will then have a month to review the plan and to meet as often as is necessary regarding the plan. The Board will then be asked to schedule a public hearing in March.

Request to Close Public Right-of-Way at End of Providence Terrace: Mr. Nalley reported that the Town has received a request from Bill Goodwin at 519 Providence Terrace requesting that the Town consider closing a portion of unopened public right-of-way located at the end of Providence Terrace. Mr. Nalley referenced a map detailing the request by Mr. Goodwin and the portions of right-of-way he wishes to have closed. Mr. Goodwin owns much of the property surrounding that area, so the request would not deny access to anyone's property. Property on the map not platted is within the Montreat Conservation Easement and can not be developed. In response to a request from Commissioner Currie, Mr. Nalley responded that he will bring to the next meeting a larger map of the Salem, Peace and Providence Road area so that the Board can review the effects that this closure may have on the ingress and egress to the whole area.

**Public Comment**

There was no public comment at this time.

**Meeting Dates**

Mayor Taylor announced the following upcoming meeting dates:

<u>February Town Council Meeting:</u>	February 14, 2008, 7:00 p.m., Kirk Allen Building
<u>February Planning &amp; Zoning Commission Meeting:</u>	February 21, 2008, 7:00 p.m., Kirk Allen Building
<u>February Board of Adjustment Meeting:</u>	February 28, 2008, 7:0 p.m., Kirk Allen Building (If Required)
<u>Agenda Items Due:</u>	February 29, 2008, 4:30 p.m., Town Services Office
<u>Agenda Packets Available:</u>	March 5, 2008 Town Services Office
<u>March Agenda Meeting:</u>	March 6, 2008, 7:00 p.m. Kirk Allen Building

**Montreat Board of Commissioners  
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Board Retreat

Saturday, March 8, 2008, 7:00 p.m.  
North Carolina Arboretum

March Town Council Meeting:

March 13, 2008, 7:00 p.m.,  
Kirk Allen Building

**Closed Session**

Commissioner Currie made a motion to go into closed session in accordance with North Carolina General Statue § 143-318.11(c), for attorney consultation regarding the civil action *Brian M. Sawyer, Plaintiff, v. the Town of Montreat, Defendant*. Commissioner Tate seconded and all voted in favor. The motion carried 4/0. No action was taken during Closed Session.

**Adjournment**

There being no further business to discuss, Commissioner Tate moved to adjourn the Agenda Meeting. Commissioner Hollins seconded. The motion carried 4/0 and the meeting was adjourned at 8:42 p.m.

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Letta Jean Taylor, Mayor

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Misty R. Gedlinske, Town Clerk