

**Town of Montreat  
Board of Commissioners  
Town Council Meeting  
February 11, 2010 – 7:00 p.m.  
Walkup Building**

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The Montreat Board of Commissioners held their regularly scheduled Town Council meeting on February 11, 2010 in the Walkup Building.

Commissioners present: Mayor Letta Jean Taylor  
Mayor Pro Tem Eric Nichols (arrived at 7:25 p.m.)  
Commissioner Ruth D. Currie  
Commissioner Jack McCaskill  
Commissioner Mary Standaert  
Commissioner O'Neil Tate

Town staff present: Ron Nalley, Town Administrator  
Stephen Freeman, Public Works Director  
Misty R. Gedlinske, Town Clerk  
William B. McClintock, Chief of Police  
Stefan Stackhouse, Finance Officer  
David Currie, Building Inspector/Code Administrator  
Susan Taylor Rash, Town Attorney (arrived at 8:05 p.m.)

Six members of the public were also present. Mayor Taylor called the meeting to order at 7:00 p.m. and gave the invocation. She noted that the February 4 Agenda Meeting had been cancelled due to inclement weather.

**Agenda Approval**

Commissioner Currie moved to adopt the meeting agenda as presented. Commissioner Tate seconded and the motion carried 4/0.

**Public Hearing: Proposed Amendments to the Town of Montreat Fee Schedule -  
Water Heater Replacement Permitting Requirements**

Mr. Currie said that effective October 1, 2009, electrical lighting devices and the replacement of like-size/type residential water heaters are now exempted from statutory building permit requirements. Due to this change in regulations, staff is recommending exclusion of residential water heaters from required permitting. Mr. Currie said he disagreed with the North Carolina General Assembly's decision due to his concerns that homeowners who lack adequate plumbing or electrical knowledge will attempt to install the replacements without hiring licensed contractors to perform and "inspect" the work. This change also removes any possibility of third-party verification of code-compliant work and places that responsibility on the contractor or property owner.

Mayor Taylor then opened the public hearing on this matter. Several comments were heard from the Commissioners concerning possible options to continuing the inspection requirements for

residential water heater replacements without charging a permit fee. Mr. Currie explained that because a building permit was no longer required, he would likely be unaware that replacement of a water heater had taken place. Commissioner Standaert suggested that inspections for water heater replacements be continued free of charge if requested by the property owner or contractor or if a replacement is discovered during the course of another required inspection. The Board agreed by consensus. Hearing no further comments from the public or Commissioners, Mayor Taylor then closed this public hearing.

**Public Hearing: Proposed Revisions to Montreat General Ordinance  
Chapter H – Business and Trades, Article II “Rentals”**

Staff discovered that the Town’s rental property regulations contained an outdated reference to the National Fire Protection Association’s definition of “Dormitory.” Mr. Currie said he recommended amending Montreat General Ordinance Chapter H, Article II “Rentals” to list only a general reference to the most current NFPA Life Safety Code in order to avoid the need for future ordinance revisions each time this document is amended or updated.

Mayor Taylor opened the public hearing on this matter. No comments from the public or Commissioners were heard, and the public hearing was then closed.

**Public Hearing: Proposed Revisions to Montreat General Ordinance Chapter K –  
Environment, Article III “Stormwater Management”**

Mr. Currie said staff discovered that the current language of Section 301, 5(e) of the Town’s stormwater management regulations pertaining to greater than 10,000 square feet of disturbed area also inadvertently includes a reference to projects less than one acre in size, creating confusion as to the applicability threshold of this section of the ordinance. An amendment is proposed to correct this inconsistency by removing the phrase “less than one acre in size” from this ordinance section.

Mayor Taylor opened the public hearing on this matter. No comments from the public or Commissioners were heard, and the public hearing was then closed.

**Communications From the Mayor**

Mayor Taylor had no report at this time.

**Review of the Consent Agenda**

Mr. Nalley said that with the adoption of the Consent Agenda, the Board had approved the following items:

- November 30, 2009 Special Meeting minutes
- January 7, 2010 Agenda Meeting minutes

- January 14, 2010 Town Council Meeting minutes
- A call for a Public Hearing on March 11, 2010 at 7:00 p.m. or as soon thereafter as possible to discuss the proposed 2010-2015 Capital Improvements Program

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

Mr. Nalley gave updates on the following items:

American Recovery and Reinvestment Act of 2009 Funding Update: More details concerning the installation of the automated meter reading system and Greybeard trail water line extension, as well as construction of the new well site on Harmony Lane will be provided in Public Works Department's activity report. Staff has met all assigned funding application submission deadlines for these projects.

2010 Census Update: Because Montreat uses post office boxes as its only mail delivery method, census personnel will personally visit each home in Montreat to distribute census information. A staffed Questionnaire Assistance Center will also be established in Montreat College's L. Nelson Bell Library to provide copies of census forms and other related materials. Mr. Nalley again urged community-wide participation and support for the census.

Evaluation of Town Administrator: The February 1 Special Meeting to conduct the Town Administrator's annual performance evaluation was cancelled. Rescheduling will be discussed under "Meeting Dates" toward the end of this meeting.

2010-2015 Capital Improvements Program: The Assembly Drive resurfacing project originally scheduled as a spring project will not be completed by the end of this fiscal year. Staff was recently contacted by Equinox Environmental with a proposal for a public outreach effort to gather input on design preferences for road resurfacing, bicycle path and greenway connections in this area consistent with the goals and objectives of the Comprehensive Plan. More information, including cost estimates will be presented at the March Town Council meeting. Staff recommends rescheduling this project for the autumn months to allow adequate time for public input, project design, and bid advertisement.

### **Administrative Reports**

Police Chief: Chief McClintock presented and reviewed his monthly departmental activity report for the month of January. He noted a significant number of weather-related activity during the period, as well as one report of a lost hiker in the Greybeard Trail area.

Public Works Department: Mr. Freeman reported on the following items:

- Garbage disposal amounts decreased significantly compared to January 2009. Recyclable item disposal amounts decreased by two tons over the same period. Staff

believes these decrease was caused by fewer residents being at home during the past month as well as icy road conditions hampering access to the dumpster site.

- Installation of the automated meter reading system is expected to begin early next week. Staff has compiled the necessary forms and other information needed to ensure accurate water billing records for each replaced meter.
- Concrete footings have been poured for the new well house on Harmony Lane. Approximately 400 feet of piping has been also installed for the Greybeard Trail water line extension project.
- The Town experienced a second major snow event on January 29. Public Works Department crews worked 12-hour shifts throughout the weekend to plow the roadways and apply over six tons of sand.
- January's water loss due to unaccounted usage was 24.2%. During this month alone, leaks were reported at 15 homes due to ruptured plumbing pipes. Eight more homes experienced ruptured meter bases due to the prolonged cold temperatures.

Finance Officer: Mr. Stackhouse presented and reviewed the final January 2010 and preliminary February 2010 Financial Statements, as well as a quarterly investment earnings report for the period ending December 31, 2009. Mayor Pro Tem Nichols again stated that adequate measures had not been taken to restructure the Town's investment accounts in ways that would yield the highest possible interest returns. Mr. Stackhouse reviewed the steps he had taken over the past several months to increase investment interest yields, as well as some additional measures planned in the near future. The Commissioners agreed by consensus to include further discussion of the Town's banking and investment procedures on the agenda for their upcoming Board Retreat.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and building inspections report for the month of January. He reported that the Planning and Zoning Commission was considering possible amendments to the Montreat General Ordinances to establish a minimum housing code for the Town and incorporate condemnation proceedings language as set forth in the current North Carolina General Statutes. Mr. Currie also advised that TowersXX, LLC had obtained a building permit for the cellular telecommunications tower to be installed on the South Carolina Home property. Some site access problems have arisen due to a large amount of underground rock at the site that may require building plan modifications. TowersXX is proposing installation of a solid concrete retaining wall up to 22 feet in height at the rear of the tower in order to maximize access and parking accommodations for the South Carolina Home. Staff will work with TowersXX representatives to minimize the visual impact of this structure through landscaped screening options and aesthetic treatments to the concrete's finished surface.

### **Commissioner Reports**

Mayor Pro Tem Nichols had no report at this time.

Commissioner Currie asked about the scheduling of an organizational meeting for the Institutional Parking Study Committee. Mr. Nalley indicated that this meeting had not yet taken place but would be set in the near future. He also said he expected the next edition of the Town's newsletter to be published in late February or early March. Commissioner Currie then commended the Public Works Department staff for their efforts during the recent winter storms. She also urged staff to move forward with efforts to fill the vacant position in this department as soon as possible.

Commissioner McCaskill reported that through consultation with a local civil engineering firm, the Mountain Retreat Association had found evidence of certain errors in the Federal Emergency Management Agency's flood plain model for Flat Creek. He encouraged staff to contact this firm about the possibility of reviewing flood plain information related to the Texas Road bridge replacement project.

Commissioner Standaert had no report at this time.

Commissioner Tate reported that a corrected draft of the recent Montreat Landcare Committee meeting minutes would be forward to the Council once completed. He also presented signage recommendations from the Swannanoa Valley Flood Damage Reduction Task Force asked that the Council meet in early April with representatives from the Town of Black Mountain to review the Task Force's presentation on flood risk management. PowerPoint slide copies from this presentation were distributed to the Council members for their review. The Council agreed by consensus to review the presented materials and consider this matter further at their March Town Council meeting.

### **Public Comment**

There were no comments from the public at this time.

### **Old Business**

Proposed Amendments to the Town of Montreat Fee Schedule – Water Heater Replacement Permitting Requirements: Commissioner Standaert moved to adopt Ordinance #10-02-0001 Amending the Town of Montreat Fee Schedule. Mayor Pro Tem Nichols seconded. After brief discussion, the motion carried 5/0. A copy of this Ordinance is attached to these minutes and incorporated herein by reference.

Proposed Revisions to Montreat General Ordinance Chapter H – Business and Trades, Article II “Rentals”: Commissioner Currie moved to adopt Ordinance #10-02-0002 Amending Montreat General Ordinance Chapter H – Business and Trades, Article II “Rentals.” Mayor Pro Tem Nichols seconded and the motion carried 5/0. A copy of this Ordinance is attached to these minutes and incorporated herein by reference.

Proposed Revisions to Montreat General Ordinance Chapter K – Environment, Article III “Stormwater Management”: Mayor Pro Tem Nichols moved to adopt Ordinance #10-02-0003 Amending Montreat General Ordinance Chapter K – Environment, Article III “Stormwater Management.” Commissioner McCaskill seconded and the motion carried 5/0. A copy of this Ordinance is attached to these minutes and incorporated herein by reference.

Proposals for American Recovery and Reinvestment Act of 2009 Engineering Services – McGill Associates: Mr. Nalley presented proposals from McGill Associates for engineering services related to the automated meter reading system and the Harmony Lane and Greybeard Trail water system improvements. Approval of these documents is required by the North Carolina Department of Environment and Natural Resources (NCDENR) as part of the Town’s application for funding through the American Recovery and Reinvestment Act of 2009 (ARRA). Staff explained that the Board has already approved the scope of work for these projects and the construction or installation phases are already underway. No additional engineering costs for either project are associated with or will be incurred by the approval of these proposals.

Commissioner Currie moved to approve the proposal from McGill Associates for engineering services related to the automated meter reading system in the amount of \$23,225. Mayor Pro Tem Nichols seconded. After brief discussion, the motion carried 5/0.

Mayor Pro Tem Nichols then moved to approve the proposal from McGill Associates for engineering services related to water system improvements in the amount of \$40,185. Commissioner Standaert seconded and the motion carried 5/0.

### **New Business**

Woodland Road Improvements Discussion: Mr. Nalley said that the current street standards regulations set forth in Montreat’s General Ordinances classify Woodland Road as a “Lane” and require a minimum pavement width of 16’. This is consistent with the majority of public street standards adopted in similar towns and cities for residential neighborhoods with low traffic volumes. Due to the increasing trend toward New Urbanism design principles over the past few years, many towns are adopting development patterns and roadway design standards featuring narrower “green street” networks that are scaled for use by cars, bicycles and pedestrians and incorporate unique stormwater management tools. One such alternative street design used in Portland, Oregon reduced the travel lanes to 14’, though research shows this to be the minimum recommended width for two-way travel. Pursuant to direction from the Board at the November 2009 Town Council meeting, McGill Associates has used the Portland, Oregon example to create a revised stormwater control plan for Woodland Road and a pavement design plan to allow a 14’ paved roadway surface.

McGill Associates engineer Rebecca Johnson presented and reviewed the most recent modifications to the proposed stormwater control measures and paving plans for Woodland Road, which included two alternative paving design choices. The rain garden design presented in the past was removed from the plans and replaced with an underground stormwater control

system. This system would channel stormwater runoff through collection inlets into an underground piping system for gradual release. Town crews will be responsible for regular maintenance. Elimination of the rain garden will result in the removal of fewer trees and places the edge of the travelled roadway farther away from the Marshall property. A certain number of trees will still need to be removed in certain areas to ensure adequate paving width and for safety reasons.

Ms. Johnson also reviewed two alternative paving design options for Woodland Road. Neither plan would require any widening of the existing travelled roadway. The first option included 14' of paved roadway using traditional asphalt with a 2'-wide shoulder area surfaced with Gravelpave. The Gravelpave system uses a series of plastic rings connected on a flexible grid, engineered to withstand significant structural loads while allowing rainwater to percolate through the surface. If the Board chooses this option, the new asphalt paving would stop prior to the Marshall property and the existing asphalt would be resurfaced. The second option would be a 16' roadway using the Gravelpave system over its entire surface. In this scenario, the existing asphalt would be removed and the Gravelpave system would be used throughout the entire length of the roadway.

Mr. Nalley said the Board would first need to decide whether Woodland Road should be paved, and then consider the preferred road design and pavement surface to be used. If a final plan for the project is approved by March, the bidding process could be completed and construction underway by the end of the fiscal year. Mayor Taylor asked that a final decision on the stormwater control design and pavement plan for this project be delayed until the March Town Council meeting in order to give both the Board and public adequate time to review the proposed plans.

During discussion, Ms. Johnson briefly reviewed the changes in the roadway design since the original plans were presented. She said that the original design's 16' paving width had raised concerns about increased traffic volume and faster vehicle speeds if no traffic calming measures were taken. Landscaped islands were proposed to address this, but later removed in order to preserve more existing trees and other vegetation. Finally, the narrow street design was developed as a way of providing traffic control while still preserving as many trees as possible and reducing the construction impact on certain affected property owners.

Commissioner Standaert asked how close the paved portion of the roadway would be to the front of the Marshall's home under the original design for a 16'-wide paved road, and how this distance compared to the distance to the edge of the current gravel roadway. Ms. Johnson said that the distance from the front of the Marshall home to the edge of current gravel roadway was about 20 feet. If the Town proceeded with the original roadway design, the edge of the 16'-wide paved roadway would be between 15 and 17 feet from the front of the home. Commissioner Standaert then asked for a cost comparison between the original paving and stormwater control plans and the two options presented. Ms. Johnson said the construction costs for the original road design were approximately \$103,000. Reducing the pavement width to 14' and implementing the Gravelpave system on the shoulder area increases the construction cost to

\$165,676. Using the Gravelpave system to surface an entire 16'-wide roadway would further increase construction costs to \$223,716. The quoted construction prices increased primarily due to material costs and did not include additional costs for engineering and surveying fees or other contingencies.

After further discussion, the Board instructed McGill Associates to contact the Gravelpave manufacturer to obtain a cross-section sample displaying all components of the system and the location of any local examples of this product in current use. McGill staff was also asked to inquire about the possibility of a price reduction or other incentive for using this system on a public roadway.

Proposed Revisions to Montreat General Ordinance Chapter D – Streets and Public Walkways, Article IV “Street Standards”: Mr. Nalley presented proposed revisions to the street standards ordinance, which included language creating a “Green Street” classification and specifying the design elements that must be incorporated in order to receive this designation, such as the utilization of Low Impact Development (LID) concepts and alternative paving materials. He noted that according to staff’s research, the 14’ roadway width allowed for “green streets” was the minimum recommended for residential neighborhoods. Staff feels that a reduction to 14’ is feasible on low-volume residential streets if proper stormwater control and public safety measures are in place. Mr. Nalley also noted that if the Board wished to consider approval of a final pavement design for Woodland Road incorporating a 14’ paving width, they would first need to approve amendments to the Town’s streets standards regulations to allow pavement widths narrower than 16’ to ensure conformity with the current ordinance language.

Commissioner Currie then moved to call for a Public Hearing on March 11, 2010 at 7:10 p.m. or as soon thereafter as possible to discuss proposed revisions to Montreat General Ordinance Chapter D – Streets and Public Walkways, Article IV “Street Standards.” Commissioner McCaskill seconded. During further discussion, Commissioner Standaert suggested modifying the proposed amendment text to state that alternate paving methods were required, rather than recommended for roads intended to have a 14’ pavement width. Staff agreed to examine this matter further. The motion then carried 5/0.

Representative Appointment for the National Pollutant Discharge Elimination System (NPDES) Permit: Mayor Pro Tem Nichols moved to appoint David Currie as the Town of Montreat’s authorized representative to apply for the National Pollutant Discharge Elimination System (NPDES) Permit. Commissioner McCaskill seconded and the motion carried 5/0.

### **Public Comment**

Lolly Copeland asked whether the Gravelpave alternate paving system would create a similar amount of dust as is now present at certain times on Woodland Road. Mr. Currie advised that the materials used in the Gravelpave system did not contain or produce the same level of fine particulates as traditional gravel and would generate significantly less dust during dry periods.

Charles Marshall voiced his continued opposition to the Woodland Road paving project, stating that he did not feel that any of the issues such as dust, road maintenance or drainage were grave enough concerns to warrant the costs associated with paving the road. He cited certain medical texts he had consulted which he felt disputed previous claims that the dust created by vehicle traffic on the gravel road posed a significant impact on public health. He also disagreed with the Board's decision to grant this project higher priority over certain others. Mayor Pro Tem Nichols responded that the decision to consider paving Woodland Road was not made based on any one reason, but rather on a variety of different factors.

Lolly Copeland then asked what priority the Woodland Road project had been assigned in the Town's Capital Improvements Plan (CIP). Mr. Nalley explained that because the project was scheduled to be completed during the current fiscal year, it would not be included in the 2010-2015 CIP unless the Board voted to delay the project until a future year. He further stated that although it was originally planned for a future year, the Board had chosen to give Woodland Road first priority as a new paving project with the adoption of the 2009-2010 Fiscal Year Budget.

Mr. Marshall also cited certain difficulties he had experienced with the Town's website in his attempts to keep abreast of current news and events. Staff explained the status of multiple updates to the Town's website and encouraged Mr. Marshall to consider subscribing to electronic publication of Board agendas, minutes, newsletters and other notifications.

### Meeting Dates

After brief discussion, the Board agreed by consensus to hold a special meeting on February 22, 2010 at 5:00 p.m. in the Town Services Office to conduct the Town Administrator's annual performance evaluation. This evaluation will be conducted in Closed Session pursuant to N.C.G.S. §143-318.11(6). Mayor Taylor then announced following upcoming meeting dates:

February Planning and Zoning Commission Meeting: February 18, 2010, 7:00 p.m.,  
Walkup Building

Agenda Item Deadline: February 26, 2010, 4:30 p.m.,  
Town Services Office

Agenda Packets Available: March 2, 2010  
Town Services Office

March Montreat Landcare Committee Meeting: March 2, 2010, 9:30 a.m.,  
Andy Andrews Gallery

March Agenda Meeting: March 4, 2010, 7:00 p.m.,  
Kirk Allen Building

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2010 Board Retreat

March 6, 2010, 9:00 a.m.  
North Carolina Arboretum  
Asheville, NC

March Town Council Meeting

March 11, 2010, 7:00 p.m.,  
Kirk Allen Building

March Planning and Zoning Commission  
Meeting:

March 18, 2010, 7:00 p.m.,  
Kirk Allen Building

**Closed Session**

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

**Adjournment**

There being no further business to discuss, Commissioner McCaskill moved to adjourn the Town Council Meeting. Mayor Pro Tem Nichols seconded. The motion carried 5/0 and the meeting was adjourned at 10:30 p.m.

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Letta Jean Taylor, Mayor

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Misty R. Gedlinske, Town Clerk