

**Town of Montreat  
Board of Commissioners  
Town Council Meeting  
February 12, 2009 – 7:00 p.m.  
Kirk Allen Building**

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The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on February 12, 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 Bill Hollins, Commissioner Jack McCaskill and Commissioner O'Neil Tate. Commissioner Ruth Currie arrived at 7:28 p.m. Representing Town Staff were Town Administrator Ron Nalley, Public Works Director Charlie Caldwell, Town Clerk Misty R. Gedlinske, Chief of Police William B. McClintock, Finance Officer Stefan Stackhouse and Building Inspector/Code Administrator David Currie. Three 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**

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

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

Mr. Nalley advised that during their March 2008 Board Retreat, the Board of Commissioners had requested revisions to the Ordinance Regulating the Construction and Financing of Public Improvements that insured compliance with current North Carolina General Statutes, extended public infrastructure to undeveloped lots and provided options for assessment or shared payment agreements with those property owners who directly benefited from those extensions. He said the Board had held workshops in September 2008 and January 2009 to further discuss the proposed changes to this ordinance and make additional revisions that were then incorporated into the most recent draft. Mr. Nalley pointed out that the section of the proposed ordinance addressing street standards had been left blank. He explained that staff was asking the Board to determine whether comments from the public prompted any further revisions and to allow staff an opportunity to prepare a separate Streets Standards Ordinance which could then be adopted simultaneously with this ordinance. Mr. Nalley stated that the Board would discuss this issue in detail at their upcoming Board Retreat and would likely hold a Public Hearing on the draft Street Standards Ordinance at their March Town Council Meeting.

Mayor Taylor then opened the Public Hearing on this matter. Wade Burns commented that the proposed ordinance prohibited property owners from connecting to the public water system without a simultaneous public sewer line connection. He suggested that Council consider amending this language to avoid preventing those property owners on Greybeard Trail who currently used wells or septic tanks from connecting to any new water lines installed in that area. Hearing no further comments, Mayor Taylor then closed the Public Hearing on this matter.

**Communications From the Mayor**

Mayor Taylor reminded the Council members that the 2009 Mayor's Cup Raft Race would be held on June 7, 2009. She also asked them to forward her any suggested discussion topics for inclusion on the Land-of-Sky Regional Council's list for presentation to the State Legislature.

**Review of the Consent Agenda**

With the adoption of the Consent Agenda, the Board approved the minutes of the January 5, 2009 Special Meeting and January 8, 2009 Town Council Meeting. Also approved with the adoption of the Consent Agenda was the adoption 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. Mr. Nalley advised that the draft Capital Improvements Plan would be forwarded to the Council upon completion and would also be available for their review at the upcoming Board Retreat.

**Communications from the Town Administrator**

Town Administrator Evaluation Scheduling: Mr. Nalley said that his annual performance evaluation would be held on February 23, 2009 at 4:30 p.m. in the Town Services Office.

2009 Board Retreat Scheduling: Mr. Nalley stated that the 2009 Board Retreat would be held on February 28 beginning at 9:00 a.m. in the North Carolina Arboretum Library. He presented and reviewed a draft agenda for the Retreat and asked the Commissioners to contact him with any suggested additions or revisions.

Economic Recovery Stimulus Package: Mr. Nalley said that Federal economic stimulus package funds were expected to be approved soon, and that he had recently attended a workshop with Representative Heath Shuler's office to receive information on how those funds would be distributed to local municipalities. He explained that disbursement of funds for transportation- or water-related projects may be distributed through either the North Carolina Department of Transportation or Department of Environment and Natural Resources, and that a portion of those funds may be retained by the State.

Public Utility Assessment Process Outline: Mr. Nalley advised that Erskine Clarke had requested that the Town initiate public assessments for a water line extension on Providence Terrace. He referred to an outline describing the procedures necessary to begin this process and asked for Council's approval for staff to prepare a Preliminary Assessment Resolution for consideration at the March Town Council Meeting. The Board agreed by consensus. Mr. Nalley also noted that the agreement between the Town and Mr. and Mrs. Clarke allowing the temporary placement of a private water line in the public right-of-way was completed and ready for signature by both parties.

Proposed Telecommunications Tower Facility Update: Mr. Nalley reported that he had met recently with representatives from the Mountain Retreat Association, Montreat College, South Carolina Home and Towers XX to discuss possible alternative locations for the cellular tower. He said that of all the locations examined, the best alternative site to the Appalachian Way water tank area was on the South Carolina Home property. Mr. Nalley also explained that if a site lease agreement between the South Carolina Home's Board of Directors and Towers XX could not be reached, Towers XX may then choose to negotiate with Montreat College for one of two possible sites on their property or resume negotiations with the Town for the Appalachian Way water tank site.

### **Administrative Reports**

Police Chief: Chief McClintock gave his activity report for the month of January, as well as a year-end summary report for 2008.

Public Works Director: Mr. Caldwell listed the tonnage amounts of garbage and recyclables collected during the month of January. He reported that recent snow and wind storms had caused localized power outages, fallen trees and frozen water pipes but said that no major property damage or injuries were reported. Mr. Caldwell also advised that staff planned to meet with State representatives to discuss well drilling near Harmony Lane.

### **Administrative Reports**

Finance Officer: Mr. Stackhouse presented and reviewed the final December 2008 and preliminary January 2009 Financial Statements, as well as a quarterly investment earnings report for the period ending December 31, 2008. He also recommended researching options to diversify the Town's investments and other monetary assets for security purposes given the current financial climate. He mentioned several options available to the Town and said he would provide further information on each at the upcoming Board Retreat. Mr. Stackhouse also referred to certain trust accounts that were established several years ago that the Board could consider closing and incorporating those funds into the General Fund. During discussion, Mr. Nalley cautioned that some of these accounts were set aside for specific purposes and would need to remain active, but agreed that the others could be recombined or accessed for capital projects if the Council so chose.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and building inspections report for the month of January. He also reported that the Planning and Zoning Commission would consider staff's revisions to both the draft Hillside Development Ordinance and draft Stormwater Management Ordinance at their upcoming meeting.

### **Commissioner Reports**

Mayor Pro Tem Nichols reported that the Black Mountain Center for the Arts was experiencing employment and programming cutbacks due to financial hardship and was increasing its

fundraising efforts in response to these problems. He also asked whether a letter from a resident to the Council members had been officially acknowledged. Discussion was heard concerning staff's normal procedure for responding to correspondence to the Board and whether individual Council members should respond on behalf of the entire group. Commissioner Currie felt that a standard procedure should be developed for providing an official response to correspondence from the public. Mayor Taylor explained how she typically responds to letters or e-mails from residents and the Board agreed by consensus for her to continue responding in this fashion on behalf of the entire Council.

Commissioner Currie had no report at this time.

Commissioner Hollins presented and reviewed a written report from the Audit Committee detailing their establishment, membership, number of meetings and topics reviewed during the current year. He said that the Committee recommended continuing the contract with Johnson, Price & Sprinkle for auditing services during the next fiscal year. He listed the Committee's suggestions for addressing the material weaknesses included in this fiscal year's audit report, and also said the Committee recommended implementing fleet credit cards as a means of tracking fuel purchases in a monthly statement format. During discussion, Commissioner Currie asked how the Audit Committee's recommendations would come before the Council for approval and what if any schedule had been developed for their implementation. Mr. Nalley explained that certain recommended procedural changes had already been made, and said that other matters such as resolutions, fuel purchase policies or equipment purchases would be presented to the Board for approval. Commissioner Currie asked for a written schedule of when staff planned to complete the Audit Committee's recommendations for Council's review. Mayor Taylor asked Mr. Stackhouse to prepare a timeline indicating the expected completion date for each of the Audit Committee's recommendations and present that information at the upcoming Board Retreat.

Commissioner McCaskill had no report at this time.

Commissioner Tate reported that the minutes of the Parks and Recreation/Montreat LandCare Committee's recent meeting had been completed and e-mailed to the Council. He also stated that the Parks and Recreation Committee members were in favor of dissolving that committee and reforming as a Montreat LandCare Committee under the proposed Memorandum of Understanding and Bylaws.

### **Public Comment**

Robert Shaw asked whether the Town's liability insurance policy covered potential injuries sustained by students attempting to walk on the ice at Lake Susan. Mayor Taylor explained that the Mountain Retreat Association owned Lake Susan and would be responsible for any related claims.

**Old Business**

Proposed Revisions to the Ordinance Regulating the Construction and Financing of Public Improvements: The Board agreed by consensus to postpone further consideration of this matter until their March Town Council Meeting.

**New Business**

Request to Use Public Right-of-Way: Craig Powell, Mary Hill and Wade Burns, 234 North Carolina Terrace: Wade Burns presented and reviewed a property survey and diagram indicating the proposed location and depth of two closed loop vertical geothermal wells to be installed as part of Craig Powell and Mary Hill's heating system at their home on North Carolina Terrace. He indicated the depth and location of the underground well pipes in relation both to the house and to the public right-of-way and explained how the pipes could be rerouted in the event the Town needed access to this portion of the right-of-way in the future. During discussion, Commissioner McCaskill said he did not feel he had enough information to vote on Mr. Burns' request. He asked if Mr. Burns knew how far below the surface bedrock may be located and whether the well drillers planned to use a well casing. Mr. Burns said he did not have this information, but trusted that the well drillers would complete the project in a responsible manner and provide a warranty to their homeowners that the wells were installed properly. Mr. Caldwell was recognized and explained that well casings were typically used as part of the installation process to prevent the soil from collapsing around the pipe as the well was being drilled. He stated that any reputable well driller would be aware of the need for a well casing and said that he did not have any concerns about this project. Commissioner Currie asked whether the requested right-of-way use agreement could be drafted to include language that addressed Commissioner McCaskill's concerns, and Mr. Nalley agreed that this was possible. After further discussion, Commissioner Hollins moved to authorize the Town Administrator and Town Attorney to develop an agreement to allow the placement of two private closed loop vertical geothermal wells in the public right-of-way along North Carolina Terrace and to authorize the Mayor to execute the necessary legal documents. Mayor Pro Tem Nichols seconded and the motion carried 4/1 with Commissioner McCaskill voting in opposition.

Police Vehicle Purchase: Chief McClintock noted that the proposed purchase price has been revised to include all tax, title and tag fees. Mayor Pro Tem Nichols then moved to approve the purchase of a 2009 Chevrolet Impala from Hunter Chevrolet in the amount of \$20,516.24 and to authorize the Mayor and Town Administrator to execute the necessary purchase documents. Commissioner Hollins seconded and the motion carried 5/0.

Sanitation Services Contract Approval – Montreat College: Mr. Nalley reported that Montreat College had approached the Town in December about an agreement allowing garbage and recyclables from their Montreat facilities to be disposed of in the Town's compactors and recycling bins. He noted that GDS, the College's current sanitation services provider, had asked to submit a revised bid for services after learning of the proposed contract with the Town. Mr. Nalley asked the Council to approve the proposed contract in the event that the College did not

reach a new agreement with GDS and chose to pursue disposal-only services with the Town. Commission Hollins moved to approve the contract for sanitation services between Montreat College and the Town of Montreat to the exclusion of the Black Mountain campus. Commissioner McCaskill seconded. During discussion, Mayor Pro Tem Nichols asked whether the Town expected any profit from this agreement. Mr. Nalley responded that while he was certain the Town would not experience any financial loss as a result of this contract, he was unsure of what the exact profit margin, if any, would be at this time. After further brief discussion the motion carried 5/0.

Montreat LandCare Committee Establishment: Mr. Nalley presented a draft Memorandum of Understanding and Bylaws for the Montreat LandCare Committee and said that a resolution establishing the committee had not yet been completed. He explained that the Parks and Recreation Committee would disband and reform with representatives appointed by the Town, Montreat College, Mountain Retreat Association, Montreat Trail Club and MRA Wilderness and Open Space Committee. The Town would also provide staff support and would have fiscal control over the committee. During discussion, Commissioner Currie felt it was clear from discussion heard at last year's Board Retreat and from members of Montreat College and the Mountain Retreat Association that the Town should have continued control of this committee. Mr. Nalley agreed that general oversight was agreed upon, but pointed out that the Town would not have control over membership appointments or project selection. The Board agreed by consensus to consider approval of a resolution to establish the Montreat LandCare Committee at their March Town Council Meeting.

Montreat Post Office Resolution: Mr. Nalley advised that certain members of the community had requested street delivery of their mail as alternative to the post office boxes currently in use. He said his understanding was that the only way the Postal Service would currently agree to provide this service option would be to close the Montreat Post Office, discontinue the Town's individual ZIP code and offer street delivery through the Black Mountain Post Office. He presented a draft resolution in support of the Montreat Post Office's current method of mail delivery service and explained that this resolution had been requested by a group of residents who wanted to preserve Montreat's Post Office and ZIP code. He also suggested that the Board may want to consider amending the Town's ordinances to include mailbox regulations at some point in the future. Mayor Pro Tem Nichols moved to adopt Resolution #09-02-0003 in Support of the Montreat Post Office's Current Method of Mail Delivery Service. Commissioner Hollins seconded and the motion carried 5/0.

Planning and Zoning Commission Appointment: Commissioner Tate moved to appoint Emory Underwood as a regular member of the Planning and Zoning Commission for a three-year term to expire on January 31, 2011. Commissioner Currie seconded and the motion carried 5/0.

Open Space Conservation Committee Appointment: Commissioner Currie moved to appoint Philip Arnold to the Open Space Conservation Committee. Commissioner Tate seconded and the motion carried 5/0.

**Public Comment**

Wade Burns thanked the Council for approving his public right-of-way use request, and reiterated his praise of the Public Works Department's street cleaning efforts from last week's Agenda Meeting.

**Meeting Dates**

Mayor Taylor announced the following upcoming meeting dates:

Planning & Zoning Commission Meeting: February 19, 2009, 7:00 p.m.,  
Kirk Allen Building

Agenda Items Due: February 27, 2009, 4:30 p.m.,  
Town Services Office

Annual Board Retreat February 28, 2009, 9:00 a.m. – 4:00 p.m.  
North Carolina Arboretum Library

Agenda Packets Available: March 3, 2009  
Town Services Office

Montreat LandCare Committee Meeting: March 3, 2009, 9:30 a.m.,  
Andy Andrews Gallery

March Agenda Meeting: March 5, 2009, 7:00 p.m.,  
Kirk Allen Building

March Town Council Meeting: March 12, 2009, 7:00 p.m.,  
Kirk Allen Building

March Planning & Zoning Commission Meeting: March 19, 2009, 7:00 p.m.,  
Kirk Allen Building

In other matters, Commissioner Currie asked that the Open Space Conservation Committee be added as a discussion topic under the "Environment and Recreation" section of the Board Retreat agenda. Mr. Nalley also asked the Commissioners to complete their evaluation forms and return them to the Mayor by the following Friday.

**Adjournment**

There being no further business to discuss, Commissioner Hollins moved to adjourn the Town Council Meeting. Commissioner Currie seconded. The motion carried 5/0 and the meeting was adjourned at 8:45 p.m.

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Letta Jean Taylor, Mayor

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Misty R. Gedlinske, Town Clerk