

**Town of Montreat  
Board of Commissioners  
Town Council Meeting  
February 14, 2008 – 7:00 p.m.  
Kirk Allen Building**

The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on February 14, 2008 at 7:00 p.m. in the Kirk Allen Building. Present among the Board were Mayor Letta Jean Taylor, Commissioner Ruth Currie, Commissioner Bill Hollins, and Commissioner O’Neil Tate. Mayor Pro-tem Eric Nichols and Commissioner Jack McCaskill were 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. Ten 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 Taylor noted the changes made to the Agenda following the agenda meeting held on February 7, 2008. Commissioner Hollins moved to adopt the meeting agenda as presented. Commissioner Tate 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 opened the Public Hearing to discuss a proposed revision to Montreat Zoning Ordinance Article V and VI – Location of Building Lines on Irregularly Shaped Lots. Mayor Taylor asked Town Administrator Ron Nalley to provide a summary of the proposed revisions. Mr. Nalley stated that the Planning and Zoning Commission held several discussions on the need to revise Section 614 of the zoning ordinance. The Commission determined during their deliberations that most all lots in Montreat meet the current definition of an irregular shaped lot. Initially, the Planning and Zoning Commission considered revising the definition. Staff was asked to research the definition and concluded that there were very few if any towns who allowed such a reduction in setbacks based on the shape of the lot and any suggested changes or recommendation would not be based on scientific measures. With this information, the Commission then chose to eliminate the provisions from the ordinance and rely on the Board of Adjustment to determine whether special circumstances existed to allow for the reduction in setbacks. The Commission also felt that setback lines should be consistent for all property owners within a particular zoning district, and that the proposed revisions would place the burden on the property owner to appear before the Board of Adjustment for a variance to reduce setback lines rather than relying on the zoning official’s discretion.

Mayor Taylor then asked for public comments. Wade Burns of 232 North Carolina Terrace commented that the proposed revision would relieve the burden of the Zoning Administrator placed on him by the ordinance requirements to reduce setbacks due to an irregular shaped lot, with the only option then to appear before the Board of Adjustment to seek a variance. Mr. Burns gave examples of how eliminating this provision would have had a negative environmental impact on several existing properties in Montreat. Mr. Burns concluded by stating that requiring property owners to seek a variance for a reduction in setbacks, which could

and probably should in most cases be turned down by the Board of Adjustment will allow common sense and community interest not to dictate but to be thrown out the window. Mary Standaert of 118 Shenandoah Terrace stated that she is a member of the Planning and Zoning Commission and commented that she is in favor of eliminating the setback reductions based on irregularly shaped lots. Mrs. Standaert feels that Section 614 invalidates the setback provisions required by the current ordinance. She also feels that the Board of Adjustment provides redress for these types of situations. There being no further comments, Mayor Taylor declared the public hearing closed.

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

Mayor Taylor opened the Public Hearing to consider revisions to the proposed Water Shortage Response Plan. Mayor Taylor asked Town Administrator Ron Nalley to provide a summary of the proposed revisions. Mr. Nalley stated that the drought across much of the state is the worst in recorded history. At the end of October, Governor Mike Easley called on the state's municipal leaders to take the lead in directing citizens to stop using water for any purpose that is not essential to public health and safety. With a winter forecast of drier than normal conditions, the Board of Commissioners asked for voluntary water conservation and asked every citizen to save water in every way possible to avoid a water crisis that could lead to more stringent restrictions or even rationing. While Montreat's water supplies are adequate to carry the town through winter, entering next summer at a substantial deficit in groundwater levels is a potential critical situation. It is with this in mind that staff reviewed Montreat's Water Shortage Response Plan and is recommending consideration and adoption of the attached plan. The plan currently in place does a good job of detailing how the Town responds during an emergency water crisis but does not detail or take into account events that can lead up to a water crisis and offer a response that could lessen or eliminate the crisis. The proposed plan supports year-round conservation, establishes classes of water uses, and sets water supply thresholds or triggers for responding to water shortages and then the steps to return to normal operations.

Al Edwards, facility director of Montreat College, stated that Montreat College is environmentally conscious and desires to support the community. A decade ago, the College upgraded their fixtures and showers to reduce water consumption. In November 2007, following a request to begin conserving water, emails were sent to students, staff and faculty emphasizing water conservation on campus. Since that time, the College has seen an eight to thirty-five percent reduction in water use in the dorms, resulting in an annualized six percent reduction in dorm water usage and a nine percent reduction for all their buildings. Based on this limited data, the fifteen percent reduction desired in the Plan appears to be within the college's ability to accomplish. Their study of usage also demonstrated that the College is paying one hundred and eighty percent or \$40,000 more for water than last year due to the water rate increase. The College is not sure that they can tolerate or absorb the payments required for mandatory restrictions which will double their bill or in the case of emergency reductions, quadruple their water bill. In summary, Mr. Edwards feels that the conservation rates proposed in the plan appear prohibitive and will have a major negative impact on Montreat College. There being no further comments, Mayor Taylor declared the public hearing closed.

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

Mayor Taylor then recognized Jane Hansel and Ron Hillabrand, representatives of the Swannanoa Incorporation Task Force to give the Board an update concerning the incorporation of Swannanoa. Ms. Hansel thanked the Board for this opportunity and stated that they want to be good neighbors and update them on their year-long effort to incorporate Swannanoa. Swannanoa has now met the requirements of the State statutes in order to incorporate and have embraced the specifics as well as the spirit of the law. She then referenced a map of the incorporation boundaries along with the legal description of the new boundary. Also referenced in the packet of information was a short history of Swannanoa, a summary of the community survey on incorporation and a statement of the estimated population and density of the proposed new boundary. Swannanoa's incorporation will only include the area within the Swannanoa fire district and does not include Warren Wilson College. The application for incorporation will be completed in March and then forwarded to the State legislature. Ms. Hansel then expressed their support for greenways, clean-up of the river, preservation of the history of Swannanoa and working towards a better future for Swannanoa. Commissioner Hollins expressed support for the Task Forces efforts and offered a resolution of support for the incorporation of Swannanoa for consideration at the Board's next meeting.

**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>. Mayor Taylor then reported on two correspondences received from the North Carolina State Clearinghouse regarding projects in western North Carolina. Mayor Taylor then reminded Board members that if they have agenda items for the Board Retreat to please send them to Mr. Nalley.

**Review of the Consent Agenda**

Mr. Nalley 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.

**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. The committee is hopeful that a hiring recommendation will be finalized within the next thirty days.

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 of the Capital Improvements Plan at the Board Retreat.

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 presented and reviewed his activity report for the month of January and gave a brief update on how unusually busy the month was for the department.

Dispatched calls increased forty percent over last year, including nine calls for EMS service, and two calls for rescue assistance on the hiking trails.

**Public Works Director:**

Sanitation Update: Mr. Caldwell reported that the installation of a chain link fence around the compactor site with a walk through gate 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. Water conservation kits are still available free of charge at the Town Services Building.

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. There were no questions or comments from the Council at this time.

**Commissioner Reports**

Mayor Pro Tem Nichols was absent and had no report.

Commissioner Currie had no report at this time.

Commissioner Hollins had no report at this time.

Commissioner McCaskill was absent and had no report.

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. Commissioner Tate reported that the Committee is interested in creating landcare partnerships and will be encouraging the use of the landcare logo on any individual projects.

**Public Comment**

Sissy Jones of 520 Kentucky Road presented a map prepared in the 1980’s by the Montreat Conference Center of the upper Kentucky and Salem Road area that showed proposed extensions

**Montreat Board of Commissioners  
Town Council Meeting  
February 14, 2008**

of utilities including roads, water and sewer. Mrs. Jones cautioned the Board about the impacts of opening these areas to development and the consequences of funneling traffic down Salem Road. She encouraged the Board to think creatively about this area and work to consider positive solutions to the environmental challenges that exist by extending infrastructure in this area.

Wade Burns of 232 North Carolina Terrace feels that the zoning ordinance setbacks should be consistent however the reason there are so many requests for reductions in the setbacks is due to the higher number of irregularly shaped lots in Montreat. Mr. Burns commented that consistency is important in zoning decisions but so is compassion and consideration. Mr. Burns added that under their by-laws, both the Planning and Zoning Commission and the Board of Adjustment could be the arbiters of when a reduction in setbacks should be allowed. Mr. Burns feels that a hard-line approach would result in damage to the environment. He went on to suggest that another solution might be to have the provisions of the ordinance decided or interpreted by another board but not as a variance procedure.

Mary Standaert of 118 Shenandoah Terrace restated that any two setbacks could be reduced under the current irregular shaped lot provisions of the ordinance. Mrs. Standaert went on to say the current discretionary clause given to the Zoning Administrator that defines an irregular shaped lot as almost any lot in Montreat leaves no discretion at all but to allow the reduction to anyone who asks for one. She goes on to say that it does not serve citizens of Montreat well to allow reduced setbacks to anyone by choice and that long range plans require us to be responsible citizens and responsible planners for Montreat. Mrs. Standaert commented that she feels the Planning and Zoning Commission would not be the proper place to consider these types of exceptions, but that it might be more appropriate in the role of the Board of Adjustment.

James Webb of 515 South Carolina Terrace commented that listed on the agenda are two motions dealing with the closure of a portion of right-of-way along South Carolina Terrace. Mr. Webb stated that a retaining wall will be built along the property line anyway and that his preferred method would be to have the Board officially close a five foot section of right-of-way. However, because there is a question of its legality, he would still request to use that five foot section leaving sufficient right-of-way for use by the Town.

**Old Business**

Resolution Ordering the Closure of a Portion of the Right-of-Way Known as South Carolina Terrace Extension: Town Administrator Ron 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 to install a retaining wall. Several months ago, the Board adopted a Resolution declaring the intent to close a portion of the right-of-way and held a public hearing on the matter in January. Following the public hearing, the Board requested additional information from the Town Attorney regarding the Town's ability to only close a portion of the right-of-way instead of the full width of the right-of-way. The Board then asked at their agenda meeting to add a

second motion that would authorize the Town Administrator and Town Attorney to develop an agreement to allow the placement of a private retaining wall and driveway in the unopened public right-of-way. In response to a question from Commissioner Currie, Mr. Nalley stated that the issues raised during the Agenda Meeting, including erosion control, stream protection, establishing a reasonable wall height and landscaping will be included in the agreement drafted by the Town Attorney. Commissioner Hollins made a motion to adopt Resolution #08-02-0001 ordering the closure of a portion of the right-of-way known as South Carolina Terrace Extension. The motion failed due to the lack of a second. Commissioner Currie then made a motion to authorize the Town Administrator and Town Attorney to develop an agreement to allow the placement of a private retaining wall and driveway in the unopened public right-of-way along South Carolina Terrace Extension and to authorize the Mayor to execute the necessary legal documents. Commissioner Tate seconded the motion and all voted in favor. The motion carried 3/0.

### **New Business**

Proposed Revisions to Montreat Zoning Ordinance Article V and VI – Location of Building Lines on Irregularly Shaped Lots: Commissioner Hollins made a motion to adopt Ordinance #08-02-0001 to amend Article V and VI of the Zoning Ordinance of the Town of Montreat. Commissioner Tate seconded the motion. Commissioner Currie expressed her reluctance to pass the motion because she feels that it is a topic that has not been completely discussed by Town Council and hopes that the ordinance could be rewritten in order to meet all the options discussed during the public hearing. Commissioner Currie also felt that the burden should be taken off the zoning administrator and given to someone else, for example, the new code administrator or the environmental commissioner and that the provision should not be eliminated completely. Commissioner Hollins stated that in his experience, the most common issue brought before the Board of Adjustment is that of setbacks and that if the eight points needed for granting a variance were applied rigidly then it would be difficult to grant setback reductions. Commissioner Hollins then stated that practically the Board of Adjustment did not operate that way and understands that this may not always be the case. Commissioner Hollins also stated that he is unsure if the Board of Adjustment can legally be given other authority outside what the General Statutes allow or whether a perfect ordinance could exist that can describe exactly what an irregularly shaped lot is. Commissioner Tate then stated that a lot of thought and deliberation by the Planning and Zoning Commission has gone into their recommendation. Commissioner Currie commented that the Board of Adjustment is quasi-judicial in nature and that any appeal is through Superior Court and that a better idea is to handle this issue at the permit level and not at an appeal level. The Board then decided that it should revisit this issue at next month's meeting when the two other Board members are present. As a result, Commissioner Hollins withdrew his motion.

Water Shortage Response Plan: Commissioner Currie stated that the motion for consideration is based on the premise of a worse case scenario and as a result that there is no water available to customers. Based on the comments during the public hearing, Commissioner Currie asked if it will be possible at the time of an emergency to withhold water and not implement the

**Montreat Board of Commissioners  
Town Council Meeting  
February 14, 2008**

conservation fees. Town Administrator Ron Nalley stated that if the proposed plan was adopted, the Board would be required to adopt a resolution amending the ordinance or to suspend its policies. Mr. Nalley went on to say that there were two areas he felt were most important to the community, especially for the large water users. During the Phase I, Water Shortage Advisory, water users with greater than an annual average of 50,000 gallons would be required to prepare a fifteen percent water use reduction plan. As discussed during the public hearing, the College feels that this provision is feasible. Mr. Nalley continued by saying that the second important issue is the proposed conservation rates. Conservation rates have been recommended as an important tool for water conservation and as one of the most successful methods of reducing usage. Increased water rates have proven to be a strong incentive for water users to reduce excessive water use. During the Phase III, Water Shortage Emergency, it is calculated that the Town will have very little water available and by quadrupling rates, it ensures that the water that is used is used for only essential purposes. However, during a Phase II, Water Shortage Alert, more water is available and the doubling of rates might have a direct impact on the operation of the college or conference center. Commissioner Hollins responded that the only way to put teeth into the ordinance is to add a monetary provision. In response to a question from Commissioner Hollins, Mr. Nalley reminded the Board that the triggers that were developed are only a starting point and that it will take some time to determine they are sufficient to avert a water crisis. Mr. Nalley then gave an example regarding the various pumping times required to maintain storage and meet daily demand during the winter and summer seasons. Commissioner Currie responded that in an emergency situation, she believes that customers would rather have their water cut off than to be charged a lot more for it. In response to a question from Commissioner Hollins, Mr. Nalley clarified several other sections of the proposed ordinance including that only one trigger would have to be reached in order to declare each phased response and the dates that are included in the summer and winter pumping times. Commissioner Hollins then recommended that the changes discussed at this meeting be incorporated into the draft and presented at the next meeting.

Resolution Honoring Montreat Conference Center President George Barber and Wanda Barber: Commissioner Currie made a motion to adopt Resolution #08-02-0002 Honoring Montreat Conference Center President George F. Barber III and Wanda Barber. Commissioner Hollins seconded the motion and all voted in favor. The motion carried 3/0.

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. Commissioner Hollins made a motion to adopt Resolution #8-02-

**Montreat Board of Commissioners  
Town Council Meeting  
February 14, 2008**

0003 accepting offer of dedication by Montreat College and Longmeadow Homes, LLC. Commissioner Currie seconded the motion and all voted in favor. The motion carried 3/0.

2008-2013 Capital Improvement Plan: Mr. Nalley presented a summary of the water fund highlighting the need for additional work by staff in order to make the plan seem more reasonable and doable. Commissioner Currie made a motion to call for a Public Hearing on March 13, 2008 at 7:00 p.m. or as soon thereafter as possible to consider the 2008-2013 Capital Improvement Plan. Commissioner Tate seconded the motion and all voted in favor. The motion carried 3/0.

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. Commissioner Hollins and Commissioner Tate stated that they have no interest in closing the right-of-way if there is a remote chance that the town might need the right-of-way in the future. Commissioner Hollins went on to say that there is a lot of future development that could take place in that area and as such, it would be difficult at this point to say that the Town would not need the right-of-way. In response to a question from Commissioner Currie, Mr. Nalley stated that if the Board finds that the closing of the right-of-way is not contrary to the public interest, then he will prepare a resolution for the March meeting declaring the Board's intent to close a portion of the right-of-way and scheduling a public hearing during the April meeting, however if this was not the case, the Board could choose not to proceed with the closing of the right-of-way. By consensus, the Board chose not to proceed with the closing of the right-of-way at the end of Providence Terrace.

**Public Comment**

Mrs. Standaert commended Town Council for the job they perform for the community and stated that unfortunately she will not be able to attend the next meeting for the consideration or further discussion of amending the zoning ordinance to eliminate the irregular shaped lot standards.

Sissy Jones commented that the Comprehensive Plan highlights the importance of community character and she hopes that the Board will take steps to preserve Montreat's character.

**Meeting Dates**

Mayor Taylor announced the following upcoming meeting dates:

February Planning & Zoning Commission Meeting:

February 21, 2008, 7:00 p.m.,  
Kirk Allen Building

**Montreat Board of Commissioners  
Town Council Meeting  
February 14, 2008**

February Board of Adjustment Meeting: February 28, 2008, 7:0 p.m.,  
Kirk Allen Building  
(If Required)

Agenda Items Due: February 29, 2008, 4:30 p.m.,  
Town Services Office

Parks and Recreation Commission Meeting: March 4, 2008, 9:00 a.m.,  
Andy Andrews Gallery

Agenda Packets Available: March 5, 2008  
Town Services Office

March Agenda Meeting: March 6, 2008, 7:00 p.m.  
Kirk Allen Building

Board Retreat Saturday, March 8, 2008, 9:00 a.m.  
North Carolina Arboretum

March Town Council Meeting: March 20, 2008, 7:00 p.m.,  
Kirk Allen Building

March Planning & Zoning Commission Meeting: March 20, 2008, 7:00 p.m.,  
Kirk Allen Building

**Adjournment**

There being no further business to discuss, Commissioner Tate moved to adjourn the Town Council Meeting. Commissioner Currie seconded. The motion carried 3/0 and the meeting was adjourned at 8:43 p.m.

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Letta Jean Taylor, Mayor

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Misty R. Gedlinske, Town Clerk