

**Town of Montreat
Board of Commissioners
Agenda Meeting
March 05, 2009 – 7:00 p.m.
Kirk Allen Building**

The Montreat Board of Commissioners held their regularly scheduled Agenda Meeting on March 05, 2009 at 7:00 p.m. in the Kirk Allen Building. Present among the Board were Mayor Letta Jean Taylor, Mayor Pro Tem Eric Nichols, Commissioner Ruth Currie, Commissioner Bill Hollins, Commissioner Jack McCaskill and Commissioner O'Neil Tate. Representing Town Staff were Town Administrator Ron Nalley, Public Works Director Charlie Caldwell, Chief of Police William B. McClintock, Town Clerk Misty R. Gedlinske, Finance Officer Stefan Stackhouse and Building Inspector/Code Administrator David Currie. 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 Tate moved to adopt the meeting agenda as presented. Commissioner Currie seconded and the motion carried 5/0.

Public Hearing: 2009-2014 Capital Improvements Program

Mayor Taylor said that a Public Hearing was scheduled for next week's meeting to discuss the proposed 2009-2014 Capital Improvements Program. Mr. Nalley said that because completion of the draft plan had been delayed, he would ask the Board to reschedule the Public Hearing on this matter for their April meeting.

Communications from the Mayor

Mayor Taylor had no report at this time.

Review of the Consent Agenda

Mayor Taylor summarized the items listed on the Consent Agenda, which included the following:

- Adoption of the minutes of the February 5, 2009 Agenda Meeting
- Adoption of the minutes of the February 12, 2009 Town Council Meeting
- Approval of a Third-Party Administrator Agreement with Prudential Insurance for 401(k) employee supplemental retirement benefits
- Approval of a Sellers Agreement with GovDeals for the sale by auction of surplus property
- Adoption of a Corporate Authorization Resolution with Asheville Savings Bank.

Mr. Nalley explained that the Town had participated in Prudential's supplemental retirement plan for several years and that all member entities were being asked to adopt the Third-Party Administrator Agreement. He also advised that the Seller's Agreement with GovDeals would authorize the sale by internet-based auction of certain Town equipment previously designated as surplus.

Communications from the Town Administrator

Charter Communications Update: Mr. Nalley presented a letter from Charter Communications announcing that the company planned to file for Chapter 11 bankruptcy protection.

American Recovery and Reinvestment Act of 2009: Mr. Nalley reported that the land-of-Sky Regional Council had asked the Town to submit the Texas Road bridge replacement project to the North Carolina Department of Transportation for possible enhancement funding.

Cell Tower Update: Mr. Nalley said he had received an e-mail from Towers XX representatives asking zoning questions related to cell tower placement on the South Carolina Home's property. He said he had not yet received a response to his phone calls to South Carolina Home President Chuck Brown concerning this matter. Mayor Pro Tem Nichols again urged Mr. Nalley to aggressively pursue placement of the cellular tower at the Appalachian Way water tank site. After discussion, the Board agreed by consensus for Mr. Nalley to continue his discussion with both Towers XX and South Carolina Home and report his findings to the Board at next week's meeting.

Administrative Reports

Police Chief: Chief McClintock said he would present his monthly activity report at next week's meeting.

Public Works Director: Mr. Caldwell reported that test-drilling at the Harmony Lane well site would begin the following Monday and be completed within two to three days. He also said that test-drilling on Greybeard Trail could begin within the next two weeks.

Finance Officer: Mr. Stackhouse presented and reviewed the final January and preliminary February 2009 Financial Statements.

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

Commissioner Reports

Mayor Pro Tem Nichols reported that the Black Mountain Center for the Arts was experiencing significant financial hardships and planned to hold a fundraising auction within the next two weeks.

Commissioner Currie had no report at this time.

Commissioner Hollins had no report at this time.

Commissioner McCaskill said that at their last meeting, the Buncombe County Greenways Commission presented a map of a proposed greenway connection from Black Mountain through Warren Wilson College's trail system, Charles D. Owen Park and ending at Azalea Park.

Commissioner Tate had no report at this time.

Public Comment

There were no comments from the public at this time.

Old Business

2009-2014 Capital Improvements Program: Mr. Nalley said that staff would re-advertise the Public Hearing on this matter for the April Town Council Meeting.

Ordinance Regulating the Construction and Financing of Public Improvements: Mr. Nalley presented the most recent revisions to the ordinance draft and noted that the adoption date of a separate Streets Standards Ordinance would be entered once that document was approved. He also pointed out that additional language was needed to address private wells and septic systems that would be incorporated into a final draft prior to next week's meeting. During discussion, Commissioner McCaskill said he believed that the use of private well and septic tanks should be discontinued once public water and sewer lines were installed. Mr. Nalley said that staff's original recommendation was to allow the continued use of existing private wells and septic tanks but to prohibit their future replacement or expansion and instead require connection to the public water and sewer system at that time. He explained that property owners would be assessed for the installation of public water lines even if they did not immediately choose to connect to those lines. He also cautioned that property owners who had recently installed private wells or septic tanks would likely object to being prevented from using them. Commissioner Currie agreed with Commissioner McCaskill's position and felt the prohibition against private wells and septic tanks within the Town limits should be more clearly and directly stated within the ordinance. Mr. Nalley then suggested the following

revision language to be inserted into the draft ordinance as Item 3 under Section 1 “General Provisions”:

“Some property owners have built private wells and septic systems. The Town will no longer allow this practice. The owners of any improved property located in the Town shall connect to the public water line and MSD sewer line in accordance with this Ordinance and MSD requirements.”

Commissioner Currie also asked whether language was included in the revised draft to state that private sewer lines would require water system access in the same way that private water lines required sewer access. Mr. Nalley said he had discussed this issue with the Town Attorney, who had recommended that the language of that section of the ordinance remain unchanged. The Board then discussed how this language could affect individual property owners, and agreed by consensus to disallow private wells and septic tanks if public water and septic lines were extended and to revise the draft ordinance as suggested.

Mr. Nalley then referred to revisions to Montreat General Ordinance Chapter E, Article I “Water and Streets” which he explained were necessary to avoid a conflict between the existing General Ordinances and the proposed Streets Standards Ordinance. He advised that the Board would be asked to include these revisions during the Public Hearing on the Streets Standards Ordinance and said that staff would revise the meeting agenda accordingly.

Montreat Landcare Committee Establishment: Mayor Taylor said the Council would consider the adoption of a resolution to establish the Montreat Landcare Committee at next week’s meeting.

New Business

Proposed Montreat General Ordinance Chapter D, Article III “Streets Standards”: Mr. Nalley noted that the proposed Streets Standards Ordinance was patterned after examples from the Town of Davidson and City of Asheville and modified to reflect Montreat’s street development pattern. He pointed out that some additional minor revisions to the document were still needed and would be completed prior to the Public Hearing on this matter. Commissioner Currie felt the proposed ordinance was written for a more urban setting than Montreat and was concerned that some of the standards may not be compatible with the types of streets found throughout the Town. Mr. Nalley explained that curbing and sidewalk requirements would only apply to the central area of Town, and that the draft ordinance provided a good deal of flexibility in the types of materials used to construct the sidewalks and also allowed the Town Administrator and Public Works Director to waive this requirement at their discretion. He then reviewed each streets classification and said that staff recommended prohibiting construction of streets

less than 16' wide, the minimum width for a roadway to qualify for Powell Bill funding. He also noted that no private roads or driveways would be allowed in the public rights-of-way. Mayor Taylor said the Council would consider a motion at next week's meeting to hold a Public Hearing on this matter.

Resolution Supporting the Financing of Infrastructure Improvement Costs through the American Recovery and Reinvestment Act of 2009: Mr. Nalley explained that as part of the application process for loan and grant funding for public infrastructure improvement projects through the American Recovery and Reinvestment Act of 2009, the Board must adopt a resolution of support prior to the March 31, 2009 application deadline.

Proposed Montreat General Ordinance Chapter K, Article III "Stormwater Management": Mr. Nalley said staff would prepare a written analysis of the draft Stormwater Management Ordinance and asked whether the Board preferred to hold a presentation on this matter at next week's meeting or in conjunction with the Public Hearing at the April meeting. During discussion, Commissioner McCaskill felt that the public may not realize the full scope of the proposed ordinance and how it may affect their properties. Mr. Nalley agreed, stating that these regulations may have a greater impact on development than the proposed Hillside Development Ordinance even though they received very little public comment or involvement during its development. Commissioner Currie asked which aspects of the ordinance staff felt may be the most controversial. Mr. Currie said that property owners may have difficulty understanding how the ordinance would apply to their lots and explained that different application guidelines were used for smaller projects as an attempt to add flexibility to the ordinance. He also noted that no permit or application fees had yet been established and said the Board would need to determine to add these to the Town Fee Schedule during the adoption of the 2009-2010 Fiscal Year Budget. Mr. Nalley also pointed out that the draft ordinance would require property owners to contain stormwater runoff on their property and control its release, and to also provide a natural resources inventory that would control the amount of disturbed area allowed on the property. Commissioner Hollins said he was strongly opposed to holding Public Hearings on so many complicated issues at the same meeting. Mr. Nalley suggested that the Board could delay the Public Hearings on the Stormwater Management and Hillside Development Ordinances until the May Town Council Meeting, or could decide to hold additional Public Hearings on one or more matters if they felt this was necessary. Commissioner Hollins suggested holding the Public Hearing on the draft Hillside Development Ordinance in April and delaying the Stormwater Management Ordinance Public Hearing until the following month. Commissioner McCaskill disagreed, stating that the Hillside Development and Stormwater Management Ordinance were inter-related and should be discussed together. Commissioner Currie also advocated proceeding with the Hillside Development Public Hearing in April along with the Stormwater Management Ordinance Public Hearing.

Proposed Montreat General Ordinance Chapter K, Article IV “Hillside Development”: Mr. Currie summarized several revisions the Planning and Zoning Commission had made to the draft Hillside Development Ordinance made as result of information received during the educational session held during the fall and winter months as well as input received from the public. The more significant changes were:

- An increase in the applicability threshold of the ordinance from a 25% to a 40% slope
- Addition of a provision for evaluating the average slope within the disturbed area instead of the entire parcel
- A suggested exemption of the Institutional and Institutional/Residential Zoning Districts for the application of the ordinance

During discussion, Commissioner McCaskill said he did not agree that the Institutional and Institutional/Residential districts should be exempted or that the proposed ordinance would prevent the Mountain Retreat Association or Montreat College from building on their undeveloped lots. Mayor Taylor was concerned about the reaction from residential property owners if such an exemption was granted. Mr. Currie pointed out that a Geotechnical Assessment prepared by a North Carolina-licensed geotechnical engineer would still be required for properties in these zoning districts, and that those findings must be submitted to his department for staff approval. Commissioner McCaskill felt that property owners should be required to complete any recommendations or other prescriptive measures included in the Geotechnical Assessment. Mr. Currie said this would be included in the staff approval process. Planning and Zoning Commission Chair Mary Standaert was recognized and pointed out that staff had inadvertently omitted the following language intended for insertion before Table I of the draft ordinance:

“Application of Tables I and II may be based upon either the slope of the entire parcel or the slope of the proposed graded area. If the slope of the proposed graded area is less than 40%, the parcel will not be subject to the Hillside Development Ordinance. If the slope of the proposed graded area is greater or equal to 40% (but less than the slope of the entire parcel), application of Tables I and II will be based on the slope values of the proposed graded area as applied to the square footage of the entire parcel. All grading shall take place within the proposed graded area.”

Staff said this language would be included in a revised draft for next week’s meeting and apologized for the omission. After further discussion, the Board agreed by consensus to continue their plans to hold a Public Hearing on this matter at their April meeting. The exemption language for Institutional and Institutional/Residential Zoning Districts will be presented for public discussion and the Board will decide on any revisions or amendments to the document or if any additional Public Hearings at that time.

Public Comment

Mary Standaert felt it would be inappropriate for the Board to hold their April Town Council Meeting on Maundy Thursday due the number of public hearings scheduled and the subject matter to be discussed. The Board then agreed by consensus to cancel the April 9, 2009 Town Council Meeting, hold one combined meeting on April 2, 2009.

Meeting Dates

Mayor Taylor announced the following upcoming meeting dates:

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

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

Agenda Packets Available: March 31, 2009
Town Services Office

April Agenda Meeting: April 2, 2009, 7:00 p.m.,
Kirk Allen Building

Montreat LandCare Committee Meeting: April 7, 2009, 9:30 a.m.,
Andy Andrews Gallery

Town Services Offices Closed: April 10, 2009
Good Friday Holiday

April Planning & Zoning Commission Meeting: April 16, 2009, 7:00 p.m.,
Kirk Allen Building

Adjournment

There being no further business to discuss, Commissioner Currie moved to adjourn the Agenda Meeting. Commissioner Tate seconded. The motion carried 5/0 and the meeting was adjourned at 9:15 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk