

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

The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on March 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 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. Two 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 Currie seconded and the motion carried 5/0.

Public Hearing: 2009-2014 Capital Improvements Program

Mr. Nalley advised that because completion of the draft 2009-2014 Capital Improvements Program document had been delayed, staff would ask the Board later in the meeting to set another public hearing on this matter.

Communications From the Mayor

Mayor Taylor had no report at this time.

Review of the Consent Agenda

Mr. Nalley summarized the items approved with the adoption of 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.

Communications From the Town Administrator

Charter Communications Update: Mr. Nalley referred to 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 advised that staff had been working diligently to meet all application deadlines for infrastructure and water system improvement funding through this Act, and that he had received some positive communications about the Town's chances of receiving at least some funding.

Cell Tower Update: Mr. Nalley reported that Towers XX and South Carolina Home were negotiating a final agreement for the placement of a cellular communications tower on the South Carolina Home's property and were expected to contact Mr. Nalley within the next week with the results of those discussions.

Administrative Reports

Police Chief: Chief McClintock presented monthly activity for month of February and noted a significant increase in activity in several categories due to recent adverse weather conditions.

Public Works Director: Mr. Caldwell listed the tonnage amounts of garbage and recyclables collected during the month of February. He advised that surveying costs for the Appalachian Way paving project were estimated at \$3800. He also reported that test-drilling at the Harmony Lane well site at a depth of 600 feet had produced an approximate water yield of 25-35 gallons per minute.

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

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and building inspections report for the month of February. He also reported that the Planning and Zoning Commission had forwarded proposed draft Hillside Development and Stormwater Management Ordinances to the Council for their review.

Commissioner Reports

Mayor Pro Tem Nichols had no report at this time.

Commissioner Currie reported that the Montreat Cottagers Association would meet on July 11, 2009.

Commissioner Hollins had no report at this time.

Commissioner McCaskill had no report at this time.

Commissioner Tate reported that Robert Youl of Landcare Australia would visit Montreat on March 19 for a luncheon at Assembly Inn and a tour of Montreat's environmental projects.

Public Comment

Wade Burns reiterated his request that the Council consider amending the text of the proposed Ordinance Regulating the Construction and Financing of Public Improvements to allow property owners to connect to the public water system without requiring a simultaneous public sewer line connection.

Old Business

2009-2014 Capital Improvements Program: Mr. Nalley said the draft 2009-2014 Capital Improvement Program was nearly completed and would be available to the Council and public within the next few days. Commissioner Hollins reiterated his objection to holding several public hearings during the same meeting. Discussion was heard concerning the possibility of delaying the public hearing on the proposed Capital Improvements Program until the May Town Council Meeting. Commissioner Currie also requested a special meeting to discuss this matter in more detail before the public hearing date. After discussion, the Board agreed by consensus to hold a special meeting to discuss the proposed 2009-2014 Capital Improvements Program on April 8, 2009 at 5:00 p.m. in the Town Services Office. Commissioner Hollins then moved to call for a Public Hearing on May 14, 2009 at 7:00 p.m. or as soon thereafter as possible to discuss the proposed 2009-2014 Capital Improvements Program. Commissioner Currie seconded and the motion carried 5/0.

Ordinance Regulating the Construction and Financing of Public Improvements: Mr. Nalley presented and reviewed the most recent revisions to the draft Ordinance Regulating the Construction and Financing of Public Improvements. He also presented related revisions to Montreat General Ordinance Chapter E, Article I "Water and Streets", which he explained were necessary to avoid conflict between the existing General Ordinances and the proposed Streets Standards Ordinance. Mr. Nalley cautioned that some residents may object to the proposed language stating that once public water and sewer lines are extended to a particular area, the use of private wells and septic tanks must be discontinued. He pointed out that as a compromise, the proposed revisions to Chapter E allowed private water systems to continue being used for non-potable uses such as gardening or lawn-watering. Mayor Pro Tem Nichols moved to adopt Ordinance #09-03-0001 to amend the Ordinance Regulating the Construction and Financing of Public Improvements, a copy of which is attached to these minutes and incorporated herein by reference. Commissioner Tate seconded.

During discussion, Commissioner Hollins objected to the language disallowing the continued use of private wells and septic systems once public water and sewer lines were extended, stating he felt that this was unfair to those property owners whose systems were in good working condition. He also believed that requiring any new roads being built in unopened public right-of-way to meet Town standards without any option for flexibility may create unintended future consequences. Mr. Nalley said that the proposed Streets Standards Ordinance provided some flexibility but would still require any new road to at least comply with certain minimum

standards. After further discussion the motion carried 4/1 with Commissioner Hollins voting in opposition.

Montreat Landcare Committee Establishment: Commissioner Tate moved to adopt Resolution #09-03-0001 Disbanding the Parks and Recreation Committee and Establishing the Montreat Landcare Committee, a copy of which is attached to these minutes and incorporated herein by reference. Commissioner Currie seconded and the motion carried 5/0.

New Business

Proposed Montreat General Ordinance Chapter D, Article III “Streets Standards” and Revisions to Chapter E, Article I “Water and Sewer”: Mr. Nalley advised that as part of the revisions to the Ordinance Regulating the Construction and Financing of Public Improvements, it also became necessary to develop an ordinance specifying a set of street design standards for the Town that would provide safe and necessary access to public and residential areas, ensure preservation of unique character of the community, and encourage use of Town roads by pedestrians, automobiles and alternative means of transportation. He stated that the proposed regulations were based on sample ordinances taken from the Town of Davidson and City of Asheville and then modified as much as possible to reflect Montreat’s unique pattern of development. He pointed out that staff recommended a minimum width of 16 feet for all streets in order to qualify for Powell Bill reimbursement funding from the State. Mr. Nalley further advised that a final draft of the proposed ordinance would be completed shortly and would be presented for public hearing in April along with proposed revisions to Montreat General Ordinance Chapter E, Article I “Water and Streets.”

During discussion, Commissioner Currie reiterated her previous concerns that the proposed ordinance was based on ordinances written for urban settings and advocated flexibility, particularly for sidewalk and curbing requirements. Mr. Nalley replied that while certain sections of the ordinance language were needed to ensure responsible traffic management, the language of other areas could be relaxed to provide less stringent requirements. Mayor Pro Tem Nichols moved to call for a Public Hearing on April 2, 2009 at 7:10 p.m. or as soon thereafter as possible to discuss the proposed Montreat General Ordinance Chapter D, Article III “Streets Standards” and Revisions to Chapter E, Article I “Water and Sewer.” Commissioner McCaskill seconded and the motion carried 5/0.

Resolution Supporting the Financing of Infrastructure Improvement Costs through the American Recovery and Reinvestment Act of 2009: Mr. Nalley explained that included in the list of projects eligible for funding through the American Recovery and Reinvestment Act of 2009 were replacement of the water line on Greybeard Trail and construction of three new wells. He advised that the application deadline was March 31, and must be accompanied by approved Resolutions supporting the financing of infrastructure and water system improvement projects through this Act and authorizing the Town Administrator to complete and file the necessary application forms and execute any related documents. Mayor Pro Tem Nichols moved to adopt Resolution #09-03-0002 Supporting the Financing of Infrastructure Improvement Costs through

the American Recovery and Reinvestment Act of 2009, a copy of which is attached to these minutes and incorporated herein by reference. Commissioner Currie seconded and the motion carried 5/0.

Resolution Supporting the Financing of Water System Improvements through the American Recovery and Reinvestment Act of 2009: Commissioner Currie moved to adopt Resolution #09-03-0003 Supporting the Financing of Water System Improvements through the American Recovery and Reinvestment Act of 2009. Mayor Pro Tem Nichols seconded and the motion carried 5/0.

Proposed Montreat General Ordinance Chapter K, Article III “Stormwater Management”: Mr. Currie advised that at the Council’s direction, the Planning and Zoning Commission had been working with staff to develop a comprehensive Stormwater Management Ordinance to regulate land disturbing activity on lots less than one acre in size and encourage the use of Low Impact Development (LID) practices to mitigate any negative effects on water quality within the Montreat watershed. Mr. Currie also noted a lack of public comment or involvement in the development of the proposed ordinance. He explained that the proposed ordinance would require a Stormwater Control Permit for all development or qualified redevelopment of lots with a disturbed area of 5,000 square feet or greater, impervious cover of at least 24% of the total lot area or an addition of 2,500 square feet or more in impervious surface. Larger development projects on lots greater than one acre in size or those related to subdivisions must be prepared by a State-certified professional engineer, environmental scientist or landscape architect. Projects on lots less than one acre in size would have less stringent requirements and may use designs based on a list of approved Best Management Practices (BMPs) as provided in the Stormwater Best Management Practice Design Manual, published by North Carolina State University in cooperation with the North Carolina Department of Environment and Natural Resources (NCDENR).

Commissioner Hollins asked how the proposed ordinance would regulate tree cutting and lot clearing. Mr. Currie replied that these activities would not be prohibited by the proposed ordinance, but that property owners would be responsible for using BMPs to control any stormwater runoff generated by these activities. Discussion was then heard concerning the type of staff presentation to be provided at next month’s public hearing on this matter. The Council agreed by consensus for staff to prepare a PowerPoint presentation to include an overview of the ordinance, its benefits and potential impacts on development and examples of approved BMPs. Mayor Pro Tem Nichols then moved to call for a Public Hearing on April 2, 2009 at 7:20 p.m. or as soon thereafter as possible to discuss proposed Montreat General Ordinance Chapter K, Article III “Stormwater Management.” Commissioner Currie seconded and the motion carried 5/0.

Proposed Montreat General Ordinance Chapter K, Article IV “Hillside Development”: Mr. Currie gave a PowerPoint presentation on the benefits, potential impacts and other issues related to the adoption of hillside development regulations. These included public safety and protection of property, documented regional geological instability and landslide trigger events, increasing

development pressures, public awareness of the potential negative impacts of traditional development in steep slope areas and the desire to safeguard the area's natural resources. Mr. Currie also reviewed the application thresholds for the proposed ordinance and gave examples of how its regulations would affect two sample lots. Commissioner Currie then moved to call for a Public Hearing on April 2, 2009 at 7:30 p.m. or as soon thereafter as possible to discuss proposed Montreat General Ordinance Chapter K, Article IV "Hillside Development." Commissioner Tate seconded. The motion carried 5/0.

Public Comment

There were no comments from the public at this time.

Meeting Dates

Mayor Taylor announced the following upcoming meeting dates:

<u>Planning & Zoning Commission Meeting:</u>	March 19, 2009, 7:00 p.m., Kirk Allen Building
<u>Agenda Items Due:</u>	March 27, 2009, 4:30 p.m., Town Services Office
<u>Agenda Packets Available:</u>	March 31, 2009 Town Services Office
<u>Combined April Agenda and Town Council Meeting:</u>	April 2, 2009, 7:00 p.m., Kirk Allen Building
<u>Montreat LandCare Committee Meeting:</u>	April 7, 2009, 9:30 a.m., Andy Andrews Gallery
<u>Special Town Council Meeting: 2009-2014 Capital Improvements Program discussion:</u>	April 8, 2009, 5:00 p.m., Town Services Office
<u>Town Services Offices Closed:</u>	April 10, 2009 Good Friday Holiday
<u>April Planning & Zoning Commission Meeting:</u>	April 16, 2009, 7:00 p.m., Kirk Allen Building

Commissioner Tate also advised that the Asheville - Buncombe Flood Reduction Task Force would hold a driving tour of the Swannanoa Valley Watershed Floodplain on the following day.

Closed Session

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

Adjournment

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

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk