

**Town of Montreat
Board of Commissioners
Town Council Meeting
April 2, 2009 – 7:00 p.m.
Kirk Allen Building**

The Montreat Board of Commissioners held a combined Agenda and Town Council Meeting on April 2, 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, and 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. Approximately 15 members of the public were also present. After calling the meeting to order, Mayor Taylor led the group in reciting the Pledge of Allegiance. Calvin Chesnutt gave the invocation.

Agenda Approval

Mayor Taylor stated that Wade Burns and Robert Hudspeth had both submitted requests to give presentations to the Council. After discussion, Board agreed by consensus to hear presentations from both Mr. Burns and Mr. Hudspeth and to allow each presenter five minutes per topic to complete his comments. Mayor Pro Tem Nichols moved to adopt the meeting agenda as presented. Commissioner Currie seconded. Commissioner Hollins asked whether the Board planned to hold a Closed Session at the end of the meeting. Mayor Taylor and Mr. Nalley confirmed that a Closed Session was planned. The motion then carried 5/0.

Presentation to Council – Wade Burns

Wade Burns commented on the development intensity and maximum impervious ratio requirement of the proposed ordinance and said he had researched how this language would affect several smaller lots throughout the Town. He stated that hillside development regulations would limit the amount of grading and impervious surface installation on each property in addition to the minimum lot size and setback distances already provided in the Zoning Ordinance. Mr. Burns then referred to several scale drawings of homes he had designed in various locations throughout the Town, noting the lot size, slope percentage, footprint size, and amount of impervious surface and grading for each site. He stated that several of these sample homes could not have been built according to their present design under the proposed ordinance due to the limitations on grading and impervious surface. Mr. Burns also presented drawings of hypothetical two-car garage structures and related driveway areas he had designed on the lots used as examples in Mr. Currie's presentation. He stated that, as designed, neither of these garages would be allowed on either lot due to the grading area restrictions of the proposed ordinance.

Presentation to Council – Robert Hudspeth

Robert Hudspeth, Vice President of the Mountain Retreat Association's Board of Directors, read from a prepared statement to the Board which stated that the MRA was concerned that if the proposed ordinance were adopted in their current form, there would be a significant negative

impact to the value of their remaining undeveloped lots and would place serious limitations on their ability to sell and develop those parcels. In his statement, Mr. Hudspeth asked the Board to defer any action on the proposed Hillside Development and Stormwater Management Ordinances and instead proceed with joint discussion of these topics between the two agencies.

Public Hearing: Proposed Montreat General Ordinance Chapter D, Article IV “Streets Standards” and Revisions to Chapter E, Article I “Water and Sewer”

Mayor Taylor opened the Public Hearing on this matter. There were no comments from the public. Mayor Taylor then closed the Public Hearing.

Public Hearing: Proposed Montreat General Ordinance Chapter K, Article III “Stormwater Management”

Mayor Taylor opened the Public Hearing on this matter. Wade Burns felt that the language of proposed ordinance was too cumbersome and restrictive for properties less than one acre in size. He suggested that installing rain barrels at each home would be a more realistic and effective way of controlling stormwater runoff.

Mr. Currie gave a PowerPoint presentation summarizing the history, objectives and potential benefits of the proposed Stormwater Management Ordinance. He stated that the Town currently relied on Buncombe County and the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Land Resources Erosion and Sedimentation Control Program to address stormwater runoff from lots greater than one acre in size. He explained that because smaller properties are not included in this program, and in response to water quality and erosion control objectives outlined in the Comprehensive Plan, the Council had directed the Planning and Zoning Commission to develop an ordinance regulating land disturbing activities on lots less than one acre in size. He stated that the proposed ordinance would increase the scope of stormwater management regulations to include most land-disturbing activities within the Town, would encourage the use of Low Intensity Development (LID) practices and provide incentives for using a variety of Best Management Practices (BMPs).

Mr. Currie then reviewed the post-construction runoff control objectives contained in the proposed ordinance and gave examples of structural and non-structural BMPs that may be used to accomplish these goals. He noted that the proposed ordinance would limit built-upon areas to at least thirty feet landward of all sides of any perennial or intermittent surface water, and said that no sustained increase in receiving water temperatures for designated trout water streams would be permitted. Each permit issued under this ordinance would require a stormwater management plan detailing the installation, inspection and maintenance schedule for any stormwater control system installed, and approval of each permit would create an enforceable restriction on property usage. Mr. Currie pointed out that further revisions to the proposed ordinance draft may be necessary to provide less stringent inspection and maintenance requirements for smaller, non-engineered stormwater control systems and to develop a list of

specific practices that may be used to reduce permit fees for smaller, qualifying projects and the amount of fee reduction the use of each practice would achieve.

Hearing no further comments, Mayor Taylor then closed the Public Hearing.

**Public Hearing: Proposed Montreat General Ordinance
Chapter K, Article IV “Hillside Development”**

Mayor Taylor opened the Public Hearing on this matter. Mr. Currie gave a PowerPoint presentation summarizing the benefits, potential impacts and other issues related to the proposed hillside development regulations. These included public safety, protection of property, documented regional geological instability and landslide trigger events, increasing development pressures on the remaining steeper undeveloped lots, growing public awareness of the potential negative impacts of traditional development in steep slope areas and the desire to implement more careful planning and development practices to safeguard the area’s natural resources. He stated that successful steep slope development required realistic guidelines and limits for development, site-specific evaluation and planning, experience in designing and building steep slope development projects, and responsible construction oversight. Mr. Currie reviewed the application thresholds for the proposed ordinance. He also provided examples of how the Approved Graded Area (AGA) and maximum impervious area regulations would affect two sample lots, as well as ways that development projects on those lots could potentially qualify for intensity bonuses of up to 50%. Mr. Currie also noted that recent information suggested that some revisions to the proposed ordinance language may be needed to reduce front yard setback requirements for smaller, steeper lots and to increase the AGA limitations for lots in the Institutional Zoning District and on residential sites with unique topographical challenges.

Wade Burns spoke in support of less stringent grading area regulations, referring to lots on Oklahoma Road and Texas Road where he believed that the Approved Graded Area restrictions would have prevented the existing homes from being built under the proposed ordinance. He also commented that the Approved Graded Area and maximum impervious area regulations were not developed in response to any safety concerns but rather for viewscape protection.

Hearing no further comments, Mayor Taylor then closed the Public Hearing.

Communications From the Mayor

Mayor Taylor reported that the Land-of-Sky Regional Council would hold its annual volunteer celebration on April 30 at 10:00 a.m. at the North Carolina Arboretum. This celebration will honor regional community members over 60 years of age whose work benefitted older adults. She also announced that the American Cancer Society would hold an overnight “Paint the Town Purple” event at the Black Mountain Primary School beginning at 6:00 p.m. on April 9.

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Review of the Consent Agenda

Mr. Nalley summarized the items listed on the Consent Agenda, which included the following:

- February 28, 2009 Board Retreat Minutes
- March 5, 2009 Agenda Meeting Minutes
- Deposit Relationship Agreement Approval – First Citizens Bank

Mayor Taylor commented that a significant amount of time was spent at this year's Board Retreat discussing how the goals and strategies provided in the Town's Comprehensive Plan would be implemented.

Communications From the Town Administrator

American Recovery and Reinvestment Act of 2009: Mr. Nalley reported that staff had spent much time on submitting applications for funding through this Act for the Texas Road bridge replacement, Harmony Lane well site and Greybeard Trail well site and water line replacement projects. He said that all submission deadlines had been met, but no response was expected within the next thirty days.

Cell Tower Update: Mr. Nalley reported that South Carolina Home representatives had reached an agreement with Towers XX and would submit a Conditional Use Permit application within the next 30 to 60 days to locate a cellular communications tower on South Carolina Home property.

Electric Vehicle Update: Mr. Nalley advised that the electric vehicle purchased through a Mobile Source Emissions Reduction Grant awarded to the Montreat Landcare Committee had been purchased and was on display outside the meeting room. Use of this vehicle will be shared by the Town, Montreat College and the Mountain Retreat Association.

Drought Management Plan Update: Mr. Nalley reported that Montreat had been listed in a recent newspaper article along with several other municipalities whose drought management plans were rejected by the North Carolina Division of Water Quality, even though the Town's plan was drafted in accordance with the State's model ordinance. He noted that the media was notified of the non-compliance before the listed municipalities, who were given no opportunity to respond to the report before the article was published. Mr. Nalley advised that staff had completed the requested revisions to the Town's plan, which were minor, and would present an updated document to the Council at next month's meeting.

Montreat Landcare Committee Appointments: Mr. Nalley said staff would have a proposed list of Montreat Landcare membership appointments ready for nomination at next month's meeting

Mr. Nalley also announced he would be out of the office on vacation from April 11 through April 19.

Administrative Reports

Police Chief: Chief McClintock gave his activity report for the month of March and noted a significant increase in activity in several areas. He also asked the Council to consider appointing Montreat College day officer Henry Watkins as an auxiliary Montreat Police Officer.

Public Works Director: Mr. Caldwell listed the tonnage amounts of garbage and recyclables collected during the month of March and noted that sanitation collection on Easter Monday would occur according to the regular schedule. Completed survey maps for the Appalachian Way paving project were expected by the following Monday. Water loss for the month of March was reported at 17%, compared to 20% for the month of February. Mr. Caldwell attributed the reduction to an increased number of vacant homes during the reporting period.

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

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and building inspections report for the month of March. He also clarified the sequence of events and his responses in dealing with a recent permit request for replacement of a residential water heater, and explained how permitting and inspections requests were normally handled during his absence.

Commissioner Reports

Mayor Pro Tem Nichols reported that the Black Mountain Center for the Arts would hold an opening event for a new art exhibit on the following evening.

Commissioner Currie had no report at this time.

Commissioner Hollins had no report at this time.

Commissioner McCaskill reported that the French Broad River Metropolitan Planning Organization had awarded grant funding to the Buncombe County Greenways Commission to complete a design plan for a greenway connection from Black Mountain through Warren Wilson College's trail system and Charles D. Owen Park, ending at Azalea Park.

Commissioner Tate asked for volunteers to begin work on the Native Plant Garden project on the following morning.

Public Comment

Wade Burns commented that Montreat's traditionally narrow streets served to slow the flow of traffic through residential areas and urged the Council not to adopt street standards which changed the Town's character.

Old Business

Mayor Taylor advised that the Council would not vote on any item of Old Business to be considered at this meeting, but instead would decide if revisions to each proposed ordinance would be forwarded to the Planning and Zoning Commission or given to Town staff for completion.

Proposed Montreat General Ordinance Chapter D, Article IV “Streets Standards” and Revisions to Chapter E, Article I “Water and Sewer”: Mr. Nalley referred to comments heard at last month’s meeting that the initial draft of the proposed Streets Standards Ordinance may be more technical in nature than Council would prefer. He stated that while many areas of the draft ordinance could be revised to make them less restrictive, certain language must remain in place in order for the ordinance to safely and effectively manage traffic flow. He also advised that McGill Associates would complete their own review of the draft language and provide their response within the next 30 to 60 days.

Mr. Nalley also referred to language in the proposed revisions to Montreat General Ordinance Chapter E, Article I “Water and Streets” which would require all property owners to connect to public water and sewer lines and would only allow private water systems to be used for non-potable uses such as lawn-watering or gardening. He noted that this was a significant change in the way these systems had traditionally been regulated. During discussion, Commissioner Hollins asked whether staff knew of any specific cases where individual property owners would be impacted by the proposed language prohibiting the continued use of private wells and septic systems once public water and sewer lines were extended to a particular area. Mr. Nalley replied that one property owner on Oklahoma Road would be affected and said that similar situations could potentially occur on Greybeard Trail and Harmony Lane. Commissioner Currie then confirmed that there had been no changes to the proposed Streets Standards Ordinance since it was discussed at the March Town Council Meeting. Commissioner Hollins asked whether it was necessary to require full compliance with Town street standards for a private road that would only access a single lot. Mr. Nalley replied that the Board had previously ruled that all newly constructed streets within Montreat would be public streets maintained by the Town. He also reiterated that the recommended 16’ road width was the minimum standard for a public road to qualify for Powell Bill reimbursement funds. Commissioner Currie again asked for more flexibility within the proposed ordinance language. Mr. Nalley agreed that staff would review the document again with a particular focus on the definition of and requirements for streets designated as “Lanes.”

Proposed Montreat General Ordinance Chapter K, Article III “Stormwater Management”: After brief discussion, the Council agreed by consensus for staff to revise the proposed Stormwater Management Ordinance for further consideration at next month’s meeting.

Proposed Montreat General Ordinance Chapter K, Article IV “Hillside Development”: Mr. Currie reiterated the areas of the proposed Hillside Development Ordinance mentioned in his presentation during the Public Hearing on this matter that may benefit from further review.

Discussion was heard as to whether staff should prepare a revised ordinance or if Council should assign this task to the Planning and Zoning Commission. Mr. Currie suggested allowing staff to prepare the necessary revisions with opportunities for input from the Mountain Retreat Association and any other interested parties. Commissioner Hollins recommended asking other qualified design professionals to review the ordinance and provide recommendations on ways to develop steeply sloping lots. He also noted that garages and parking areas would already be difficult to construct on many smaller lots regardless of their degree of slope. The Board agreed by consensus for staff to present a revised draft ordinance for further consideration at next month's meeting.

New Business

There were no items of New Business to discuss at this time.

Public Comment

Mayor Taylor recognized the Planning and Zoning Commission members present at the meeting and thanked them for their efforts.

Mr. Nalley provided copies of the draft 2009-2014 Capital Improvements Program and asked the Council to review the document, paying particular attention to suggested project rankings for each department in preparation for their upcoming workshop meeting on this topic.

Meeting Dates

<u>Special Meeting – 2009-2014 Capital Improvements Plan 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>Planning and Zoning Commission Meeting:</u>	April 16, 2009, 7:00 p.m., Kirk Allen Building
<u>Agenda Items Due:</u>	May 1, 2009, 4:30 p.m., Town Services Office
<u>Montreat Landcare Committee Meeting:</u>	May 5, 2009 Andy Andrews Gallery
<u>May Agenda Meeting:</u>	May 7, 2009, 7:00 p.m., Kirk Allen Building

**Montreat Board of Commissioners
Town Council Meeting
April 2, 2009**

<u>May Town Council Meeting:</u>	May 14, 2009, 7:00 p.m., Kirk Allen Building
<u>May Planning & Zoning Commission Meeting:</u>	May 21, 2009, 7:00 p.m., Kirk Allen Building
<u>Town Services Office Closed:</u>	May 25, 2009 Memorial Day Holiday
<u>Memorial Day Sanitation Collection Date:</u>	Tuesday, May 26, 2009

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. During the Closed Session, the Council agreed by consensus from Mayor Taylor, Commissioner Currie and Mr. Nalley to proceed with negotiations to acquire the subject property.

Adjournment

There being no further business to discuss, Commissioner Tate moved to adjourn the Town Council Meeting. Commissioner Hollins seconded. The motion carried 5/0 and the meeting was adjourned at 9:44 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk