

**Town of Montreat
Board of Commissioners
Town Council Meeting Minutes
April 8, 2010 – 7:00 p.m.
Walkup Building**

The Montreat Board of Commissioners held their regularly scheduled Town Council meeting on April 8, 2010 in the Walkup Building.

Commissioners present: Mayor Letta Jean Taylor
Mayor Pro Tem Eric Nichols
Commissioner Ruth D. Currie
Commissioner Jack McCaskill
Commissioner Mary Standaert
Commissioner O'Neil Tate

Town staff present: Ron Nalley, Town Administrator
Misty R. Gedlinske, Town Clerk
Stefan Stackhouse, Finance Officer
David Currie, Building Inspector/Code Administrator
Barry Creasman, Utility Maintenance Technician
Town Attorney Susan Taylor Rash (arrived at 7:45 p.m.)

Six members of the public were also present. Mayor Taylor called the meeting to order at 7:04 p.m. and held a moment of silence.

Agenda Approval

Mayor Taylor noted the following changes to the meeting agenda:

- Discussion and action on New Business Item B - Town of Montreat Police Captain, was removed from the meeting agenda and postponed until the May Town Council Meeting
- Discussion and action on New Business Item C - Senior Water Technician, was removed from the meeting agenda and postponed until the May Town Council Meeting
- New Business Item D - Proposed Revisions to Montreat General Ordinance Chapter K, Article III "Stormwater Management" was removed from the meeting agenda. Staff explained that upon further review, the proposed ordinance revision language proved to be unnecessary at this time.

Commissioner Currie then moved to adopt the meeting agenda as amended. Commissioner Standaert seconded and the motion carried 5/0.

**Public Hearing: Proposed Revisions to Montreat General Ordinance
Chapter E, Article II "Water Conservation Ordinance"**

Mayor Taylor opened the Public Hearing on this matter. Mr. Nalley stated that due to record-setting drought in 2008, 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 was not essential to public

health and safety. The Board subsequently adopted a Water Shortage Response Plan (WSRP) modeled after the State's plan as a means to respond to all types of water shortages including drought, civil emergencies and water treatment or distribution problems. The Plan supports year-round conservation, establishes classes of water uses, sets water supply thresholds or triggers for responding to water shortages and the steps to return to normal operations. Staff submitted the Town's revised WSRP to the Department of Environment and Natural Resources – Division of Water Resources for their approval. Shortly after, NCDENR requested additional revisions and only recently confirmed with Town staff that the resubmitted Plan met all necessary statutory criteria. Hearing no further comments from the Board, Town staff or the public, Mayor Taylor then closed this Public Hearing.

Communications From the Mayor

Mayor Taylor encouraged members of the public to visit the exhibits available at the Swannanoa Valley Museum. She also presented copies of printed information concerning the HUD-DOT-EPA Interagency Partnership for Sustainable Communities as a potential source of grant funding.

Review of the Consent Agenda

Mr. Nalley said that with the adoption of the Consent Agenda, the Board had approved the following items:

- March 4, 2010 Agenda Meeting minutes
- March 6, 2010 Board Retreat minutes

Communications From the Town Administrator

Mr. Nalley gave updates on the following items:

American Recovery and Reinvestment Act of 2009 Funding: The Town has received approval for up to \$530,000 in loan funding to construct a well house on Greybeard Trail and complete the water line extension project in that area.

2010 Census: As of yesterday, Montreat's Census response rate was reported at 49%, significantly lower than the statewide response rate of 63%. Montreat College plans to hold a Census Day Celebration event on April 14, which staff hopes will improve the Town's response percentage. All members of the public residing in Montreat for at least six months and one day are strongly encouraged to complete and return a Census form to ensure a complete and accurate population count. A staffed Questionnaire Assistance Center is open Monday through Friday from 2:00 p.m. until 5:00 p.m. in Montreat College's L. Nelson Bell Library to provide copies of forms and answers to common census-related questions. During discussion, Commissioner Standaert expressed her concern that Montreat College students may not be fully aware of the importance of the Census or what place of residency they should claim. She encouraged communication between Town and College staff, as well as Census staff to resolve this issue.

FEMA-1871-DR-NC: Winter Storm Event Project Award: The Federal Emergency Management Agency has agreed to award the Town \$8,272.30 in reimbursement funding for emergency response measures, including employee overtime pay, related to the December 2009 snow event.

Public Utility Extension Request - Above Peace Lane: Staff received a petition from several property owners requesting the extension of public roads and utilities to lots above Peace Lane by means of a public assessment. Mr. Nalley referred to a conceptual map prepared by the Mountain Retreat Association several years ago which showed how this area may look if developed and what the related infrastructure needs may be. He used this map to indicate the locations of the lots owned by the petitioners. He explained that two options were available if the Board wished to proceed with a public assessment project in this area:

- The assessment procedure could include road, water and sewer extensions to only the requesting property owners. In this case, however, the extensions would also benefit several lots not owned by parties involved in the petition and it would therefore be more difficult to determine the appropriate assessment basis and project scope.
- As many of the lots in this area are owned by the Mountain Retreat Association, the water, sewer and road extensions could be done as part a collaborative development plan for the entire area. If the Board chooses this option, the project would be more extensive and would have longer development and construction periods. It may also eliminate the option of placing these lots into permanent conservation.

Mr. Nalley explained that the purpose of this meeting's discussion was not to decide specific development plans, but rather to determine whether the Board wished to proceed with some form of assessment procedure for this area. If not, the petitioning property owners would then need to decide whether to install the requested extensions at their own expense or to wait for the projects to be completed under some future year of the Capital Improvement Plan.

During discussion, Commissioners Currie and Standaert felt they need more information and time to consult with Town staff before they could make an informed decision on this issue. Commissioner McCaskill felt this project should be considered as part of some form of assessment procedure, but agreed that more information was needed to determine the most suitable scope of the project and method of assessment.

One of the petitioning property owners, Matt Schlichenmiar, was recognized and indicated the location of his lot within the subject area. He explained that at the time his family originally purchased their property, the Town had allowed the installation of private roadways and utility lines. He supported the change requiring new roads and utility lines to meet established standards, but was concerned that a wider project scope involving development of the surrounding area may delay his ability to build on his lot. He stated that all of the property owners who had signed the petition had agreed to assessments to extend services to their lots, but were not aware at the time that other property owners wished to be included.

Mayor Pro Tem Nichols favored including the Mountain Retreat Association in a discussion of a development plan of the entire area. Montreat Conference Center Vice President for Youth & Young Adult Ministry Bob Tuttle said the MRA would likely have an interest in this issue, though he could not speak to what their position might be at this time. Mayor Pro Tem Nichols said he favored examining a wide-scale development model for the entire area. Commissioner Currie again stated that she felt such a decision was premature at this time. She asked that Town staff provide additional information for further discussion at next month's meeting. The Board agreed by consensus.

Municipal Bridge Program Report – Texas Road Bridge: Staff received confirmation that the Texas Road bridge replacement project has been accepted into the North Carolina Department of Transportation's Municipal Bridge Program. This program would provide grant funding for 80% of the construction costs for the bridge replacement, but certain stipulations and conditions are involved. None of the engineering and surveying work already completed for this project is admissible, and the Town will not be reimbursed for any of these costs. The new bridge must be constructed in roughly the same location as the existing bridge, with only minor alterations to its position or layout allowed. Optional aesthetic treatments such as stone headwall veneers are not covered by state funding and must be paid for solely by the Town. Construction time for the project is estimated at between 18 and 24 months from the date a formal contract is signed, and the total estimated cost of the project is approximately \$700,000. After discussion, the majority of the Board agreed by consensus to proceed with funding for this project through the NCDOT's Municipal Bridge Program, with Commissioner Currie opposed. Staff will provide a formal contract for approval at next month's meeting.

Woodland Road Paving Project: Bids for this project were advertised last week and a contract award recommendation will be presented at the May Town Council Meeting. Staff expects the project to be completed by mid-June, weather permitting. The layout of the paved roadway portion will allow the majority of the existing trees to remain, although some may need to be removed if a large rock or other obstruction is discovered during the grading process.

Administrative Reports

Police Chief: On Chief McClintock's behalf, Mayor Pro Tem Nichols presented and reviewed the Police Department's activity report for the month of March.

Public Works Department: On Mr. Freeman's behalf, Mr. Creasman listed the garbage and recyclable collection tonnages for the month of March and reported on the following additional items:

- The new water line extension on Greybeard Trail is now completed and connected to the rest of the public system.
- The exterior walls and roof of the Harmony Lane well house are in place and electrical wiring is underway.

- Approximately 45 water meters have yet to be replaced with automated meters. Cooper Construction expects to have the remaining meters replaced within the next two to three weeks. Preliminary readings have been taken remotely and manually checked for accuracy, with no problems reported.
- Town crews have been taking temporary steps to repair multiple potholes
- Local asphalt plants will reopen by mid-April, which will allow more permanent repairs to the multiple potholes and areas of cracked pavement which have occurred over the winter months.
- March's water loss due to unaccounted usage was 14.8%.

Mr. Nalley presented a proposal from C&T Paving for pothole repair, which he said the Board would be asked to approve at next month's meeting along with a related budget amendment. C&T Paving also plans to repair a separated asphalt seam on Appalachian Way at no cost. The seam separation is believed to be caused by faulty asphalt combined with severe winter weather conditions.

Finance Officer: Mr. Stackhouse presented and reviewed the final February 2010 Financial Statements. A preliminary March 2010 Financial Statement, as well as a monthly investment earnings report will be forwarded to the Board shortly. The Audit Committee is currently reviewing responses to the recent Request for Proposals for auditing services and expects to have a written recommendation ready to present to the Board at their May Town Council Meeting.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and building inspections report for the month of March. He noted a slight increase in the amount of permits issues due to Fire Safety Compliance Certificate renewals for several rental properties and an increase in small-scale renovation projects. Permits were issued for the retaining wall structures at the South Carolina Home cellular communication tower site, and soil nailing is underway. The antenna structure will be installed in late April or early May once the retaining walls are installed, followed by aesthetic finishing treatments on the concrete surface of the upper wall. Verizon Wireless representatives have not yet confirmed whether the company would be willing to lease antenna space on the tower. Mr. Currie also stated that neither the Planning and Zoning Commission nor Board of Adjustment met during the past month.

Commissioner Reports

Mayor Pro Tem Nichols had no report at this time.

Commissioner Currie had no report at this time.

Commissioner McCaskill had no report at this time.

Commissioner Standaert reported on the following items:

- New signage at the Town's dumpster facility indicating the revised hours made necessary by illegal dumping will be installed by May 1.
- Associate Professor of Biology and Environmental Studies Mark Lassiter has indicated that his students would likely be interested in participating in a native plant rescue program.
- The Black Mountain Center for the Arts received approximately \$10,000 in donations during their recent auction event.

Commissioner Tate said the minutes of this week's Montreat Landcare Committee meeting would be forwarded to the Board members as soon as they were completed. He also encouraged anyone interested to attend the 5th Annual Black Mountain Garden Show on May 15 beginning at 9:00 a.m. The event will be held on Sutton Avenue behind the old train depot and will include information on native plant gardening, a rain barrel demonstration and sale, and various other activities.

Public Comment

Bob Tuttle thanked the Board and Town staff for their efforts.

Wade Burns asked the Board to reconsider their decision to limit the Town's dumpster facility hours, and suggested that a surveillance camera might be a better means of addressing illegal dumping at the site.

Old Business

Proposed Revisions to Montreat General Ordinance Chapter E, Article II "Water Conservation Ordinance and Resolution Approving the Water Shortage Response Plan for the Town of Montreat: Commissioner Currie moved to adopt Ordinance # 10-04-0001 Amending Montreat General Ordinance Chapter E, Article II "Water Conservation Ordinance." Mayor Pro Tem Nichols seconded and the motion carried 5/0. Mayor Pro Tem Nichols then moved to adopt Resolution #10-04-0001 Approving the Water Shortage Response Plan for the Town of Montreat. Commissioner McCaskill seconded. After brief discussion, the motion carried 5/0. Copies of both the Ordinance and Resolution are attached to these minutes and incorporated herein by reference.

Town of Montreat Green Fleet Policy: Commissioner Tate moved to approve the Town of Montreat Green Fleet Policy. Commissioner Currie seconded. Discussion was heard concerning whether the proposed policy should be amended to include the presence of a Board member on the Green Fleet Team, as well as whether each vehicle selected for purchase should be approved individually by the Board. Mr. Nalley explained that the Board would approve vehicle purchase funding for a particular department as part of the budget process. The specific vehicle purchased by that department would be selected based on the guidelines provided in the Green Fleet Policy. Mayor Taylor suggested operating under the proposed policy as presented over the next year, at

which point the Board could consider further revisions if necessary. After further brief discussion, the motion carried 5/0.

Inspections Vehicle Purchase: Mayor Pro Tem Nichols moved to approve the purchase of a 2010 Ford Escape from Asheville Ford Lincoln Mercury in the amount of \$18,205.27 in compliance with provisions outlined in the Town of Montreat Green Fleet Policy. Commissioner McCaskill seconded and the motion carried 5/0.

Chapman Road Right-of-Way Closure: At their December 10, 2009 Town Council Meeting, the Board adopted a Resolution ordering the permanent closure of a portion of unnamed, unopened right-of-way along Chapman Road near Lot 30. The Town Attorney has advised that the resolution adopted at that time did not adequately describe the portion of right-of-way that was closed, and recommends adopting a revised resolution which references the plat on which the tract of closed right-of-way is located. After brief discussion, Commissioner Currie moved to adopt Resolution #10-04-0002 Ordering the Closure of a Portion of Unnamed Unopened Right-of-Way Adjacent to Lot 30 Along Chapman Road. Mayor Pro Tem Nichols seconded and the motion carried 5/0. A copy of this Resolution is attached to these minutes and incorporated herein by reference.

Montreat College Bus Parking at Gate: At the March Town Council Meeting, Montreat College requested permission to park a 55-passenger bus in the parking area next to the Montreat Gate during the spring and fall semesters. Mayor Taylor suggested that it may be best to develop a comprehensive policy to address these types of requests. During discussion, Commissioner Standaert felt that permanent or long-term parking or storage of large vehicles or equipment in this area would not be appropriate, but also acknowledged need for temporary parking for College or Conference Center buses or residential moving vans. She agreed that developing a policy to establish parking timelines and enforcement measures may be the best option to address this issue. Commissioner Currie felt that parking large vehicles or equipment in this area was not an attractive or appropriate use of the space and was not consistent with community-wide beautification and conservation efforts. In her opinion, buses and other large vehicles were best parked on private property. Mayor Pro Tem Nichols felt that, except in rare or emergency cases, parking at the Gate should be limited to the visitor parking spaces near the Gate House Welcome Center. Commissioner McCaskill advocated holding a joint meeting with representatives of each of Montreat's non-profit entities to discuss how to address their parking and loading needs. Mr. Nalley suggested that this matter be discussed by the Institutional Parking Committee. The Board agreed to this suggestion by consensus.

New Business

Asheville Regional Housing Consortium Joint Cooperation Agreement: The Asheville Regional Housing Consortium's designation as a participating jurisdiction in the Department of Housing and Urban Development's HOME program expires this year. In order to preserve Montreat's annual HUD funding eligibility, the Board must approve a new Joint Cooperation Agreement. Mr. Nalley explained that the language of the new Agreement is very similar to that approved in

years past except for additional language in Section 17 allowing automatic renewal unless the Agreement is terminated by either the Town or the Consortium. The City of Asheville will be required to notify the Town if any changes to the agreement, voting procedures, distribution of funds or other administrative matters are made. Commissioner McCaskill moved to adopt Resolution #10-03-0003 Authorizing the Mayor of the Town of Montreat to Renew the Joint Cooperation Agreement with the Asheville Regional Housing Consortium. Commissioner Tate seconded and the motion carried 5/0. A copy of this Resolution is attached to these minutes and incorporated herein. Commissioner Tate then moved to approve the Asheville Regional Housing Consortium Joint Cooperation Agreement. Commissioner McCaskill seconded and this motion also passed 5/0.

Municipal Environmental Assessment Coalition: The North Carolina League of Municipalities (NCLM) has formed the Municipal Environmental Assessment Coalition (MEAC) and is asking each of its member cities and towns to consider joining this group. The MEAC will use its collective resources to help ensure that each local government's environmental regulations contain the most current and accurate information and comply with increasingly complex state and federal mandates. The group will also explore the potential wide-ranging impacts of those regulations. The cost to the Town for joining the MEAC would be \$250, which Mr. Nalley felt was reasonable considering the professional expertise available beyond what staff would be able to provide themselves on such complex issues. Commissioner Standaert moved to approve participation in the Municipal Environmental Assessment Coalition and authorize the Mayor to execute the NCLM Municipal Environmental Assessment Coalition Project Participation Agreement. Commissioner Tate seconded and the motion carried 5/0.

Public Comment

There were no comments from the public at this time.

Meeting Dates

Mayor Taylor reviewed the following upcoming meeting dates:

April Planning and Zoning Commission Meeting:

April 15, 2010, 7:00 p.m.,
Kirk Allen Building

Agenda Item Deadline:

April 30, 2010, 4:30 p.m.
Town Services Office

May Montreat Landcare Committee Meeting:

May 4, 2010, 9:30 a.m.,
Andy Andrews Gallery

Agenda Packets Available:

May 4, 2010
Town Services Office

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<u>May Agenda Meeting:</u>	May 6, 2010, 7:00 p.m., Walkup Building
<u>May Town Council Meeting:</u>	May 13, 2010, 7:00 p.m., Walkup Building
<u>Black Mountain Garden Show and Sale:</u>	May 15, 2010, 9:00 a.m. – 5:00 p.m., Sutton Avenue, Black Mountain
<u>May Planning and Zoning Commission Meeting:</u>	May 20, 2010, 7:00 p.m., Kirk Allen Building
<u>Town Services Office Closed:</u>	May 31, 2010 Memorial Day Holiday
<u>Rescheduled Sanitation Collection Date:</u>	Tuesday, June 1, 2010, 8:00 a.m.
<u>Summer Bulk Item Collection Date:</u>	July 6, 2010

Commissioner Currie apologized for her harsh language in opposition to the Montreat College's bus. She asked staff to convey on her behalf that Montreat College's interests and needs would be represented on the Institutional Parking Study Committee.

Closed Session

Commissioner Standaert moved to enter into Closed Session in accordance with North Carolina General Statute §143-318.11(5) to discuss the 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, Mayor Pro Tem Nichols moved to adjourn the Town Council Meeting. Commissioner Tate seconded. The motion carried 5/0 and the meeting was adjourned at 9:50 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk