

**Town of Montreat  
Board of Commissioners  
Agenda Meeting  
May 6, 2010 – 7:00 p.m.  
Walkup Building**

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The Montreat Board of Commissioners held their regularly scheduled Agenda Meeting on May 6, 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  
Stephen Freeman, Public Works Director  
Misty R. Gedlinske, Town Clerk  
William B. McClintock, Chief of Police  
Stefan Stackhouse, Finance Officer  
David Currie, Building Inspector/Code Administrator

Three members of the public were also present. On Mayor Taylor's behalf, Mayor Pro Tem Nichols called the meeting to order at 7:05 p.m., led the group in reciting the Pledge of Allegiance and held a moment of silence.

**Agenda Approval**

Commissioner Standaert moved to adopt the meeting agenda as presented. Commissioner McCaskill seconded and the motion carried 5/0.

**Communications From the Mayor**

Mayor Taylor had no report at this time.

**Review of the Consent Agenda**

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

- March 11, 2010 Town Council Meeting minutes
- April 8, 2010 Town Council Meeting minutes
- Fiscal Year 2009-2010 Budget Amendment #1 to adjust the Open Space Conservation budget and acknowledge receipt of donated funds
- Fiscal Year 2009-2010 Budget Amendment #2 to reallocate department budgets to cover expenditures for professional services, insurance and capital outlays

- Fiscal Year 2009-2010 Budget Amendment #3 to appropriate Fund Balance reserves for Powell Bill to cover additional asphalt patching and repair costs
- Call for Public Hearing: Proposed 2010-2011 Fiscal Year Budget

Budget Amendment #1 will use a single amendment to document the receipt of a \$50,000 donation from the Montreat Cottagers Association Wilderness and Open Space Committee and make adjustments to the Open Space Conservation Fund. Commissioner Currie stressed that the donation funds were intended only for land purchase costs. She also asked that the description of the budget amendment's purpose be revised from "Open Space projects" to "Open Space land."

Budget Amendment #2 will decrease the Street Department's capital outlay budget in order to cover additional legal services and insurance costs, as well as the purchase of a new telephone system.

Budget Amendment #3 will reallocate Powell Bill Reserve funds to cover the costs of town-wide asphalt patching and repair, as well as some other minor related projects.

During discussion of the proposed 2010-2011 Fiscal Year Budget Public Hearing, both Mayor Pro Tem Nichols and Commissioner McCaskill stated they would be absent from the June 10 Town Council Meeting and would therefore miss the public hearing on this matter.. After some discussion, the Board agreed by consensus to schedule the public hearing on the proposed 2010-2011 Fiscal Year Budget Public Hearing for June 3, 2010 at 7:00 p.m. or as soon thereafter as possible. The agenda for next week's Town Council Meeting will be amended accordingly.

### **Communications From the Town Administrator**

Mr. Nalley gave updates on the following items:

American Recovery and Reinvestment Act of 2009 Funding Update: More details concerning the installation of the automated meter reading system and Greybeard Trail water line extension, as well as construction of the new well site on Harmony Lane will be provided in Public Works Department's activity report. Staff has received approval from the Clean Water Management Trust Fund and Southern Appalachian Highland Conservancy to alter the right-of-way location on a lot owned by the Mountain Retreat Association related to the Greybeard Trail well site construction project. A deed for the property purchase can be recorded as soon as final surveys are completed. At Commissioner Currie's request, the Board agreed by consensus to hold a Closed Session at the end of next week's Town Council Meeting to further discuss real property acquisition for the Greybeard trail well site construction project.

2010 Census Update: Census workers are now personally visiting all homes where no response has been received. Although the official deadline has now passed, residents who have not yet submitted their Census forms may do so until July 1. Montreat's return rate is currently 59%, well below the national average. One cause of this lower response rate may be that seasonal homes were included in the estimated housing count. Staff believes that most of the Montreat

College students living on campus have been counted, but it is unknown at this time how many students living in private housing have been counted.

Public Utility Extension Request – Lots Above Peace Lane: Last month, 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. During a recent discussion with Mr. Nalley, Mountain Retreat Association Vice President for Finance Richard Sills indicated that the MRA may have a possible interest in donating some or all of their lots in this area into permanent conservation. This statement was not intended as the MRA's official position, as this matter has not yet been considered by their Property Committee or Board of Directors. The requesting property owners may be able to complete some preliminary engineering studies of their area directly affecting their homes for review at the June Town Council meeting. Based on this information and any further discussions with the MRA, the Board will need to decide in the near future whether to begin assessment procedures for road, water and sewer extensions to only the requesting property owners or to involve others, including the MRA, in a more comprehensive development plan for the entire area.

During discussion, Mr. Nalley explained that only five or six property owners would be involved in the smaller-scale assessment procedure, compared with an estimated 30 lots for the larger area. Commissioner Currie referred to funds donated from the Montreat Cottagers Association for the purpose of conservation purchases. She stressed the importance of meeting with all interested parties before a final decision was made concerning MRA-owned lots in this area that may be eligible for permanent conservation.

In other matters, Mr. Nalley thanked the Police and Public Works Departments for their assistance with the recent visit from President Obama. He encouraged anyone willing to share any photographs taken during this event to forward copies to Town staff.

### **Administrative Reports**

Police Chief: Chief McClintock presented and reviewed his monthly departmental activity report for the month of April. He noted several thefts of small electronic devices from unlocked cars in the area, and said that Montreat officers were working with both the Black Mountain Police Department and the Buncombe County Sheriff's Office to resolve this issue. One lost mountain biker was also found by the Fire Department.

Discussion was then heard concerning the possibility of installing a discreet security camera on the Montreat Gate. Chief McClintock said his department was considering the practicality of such a measure. Commissioner Standaert also wondered whether the lost mountain biker had been using an approved trail for that type of activity. Chief McClintock said this person was not part of the groups that have come to Montreat in the past for mountain biking activities. Montreat Conference Center Vice President for Youth & Young Adult Ministry Bob Tuttle said he would like to be advised when mountain biking groups entered the area so that his staff can make sure they are using the appropriate trails.

Public Works Department: Mr. Freeman listed the garbage and recyclable collection tonnages for the month of April and reported on the following additional items:

- Garbage and recycling collection will be delayed until Tuesday, June 1 due to the Memorial Day holiday. Bi-weekly collection also resumes on this date.
- The new dumpster facility schedule is now in effect, with no problems reported over the past week.
- The Harmony Lane well house structure is now complete. Electrical wiring and connection to the Town's SCADA monitoring system will be completed over the next two weeks.
- Phase 1 of the Greybeard Trail water line extension project is also completed.
- All residential and institutional water meters have been replaced with automated meters, but the Town's well house meters have yet to be replaced. Remote readings were completed within two hours and manually rechecked for accuracy. Several small-scale residential water leaks were detected at the time the meters were read using the AMR system. Many of these leaks may not have been discovered using less accurate manual water meters.
- Residential meter replacement on John Knox Road, Shenandoah Terrace and Maryland Place also involved upgrading outdated meter yokes with proper setters and backflow prevention devices. For this reason, water service was temporarily suspended along these entire streets for several hours on the day of installation.
- Well 1 is currently out of service while the well pump is being replaced. Well A is also offline due to a water leak. Minor air complaints have been reported as a result, but both wells should be repaired and back in service by the end of next week.
- April's water loss due to unaccounted usage was 14%.

Finance Officer: Mr. Stackhouse presented and reviewed the final March 2010 Financial Statements, along with a cash investment report for the period ending March 31, 2010. The preliminary April 2010 Financial Statement will be ready for the Board's review at next week's meeting.

Mr. Stackhouse also presented a memorandum detailing recent difficulties he had experienced with Fifth Third Bank related to interest payment accruals on the Town's central depository account. In late February of this year, Fifth Third's Vice President has indicated that as a cost-saving measure, the bank had suspended interest rate payments to the Town's account. This decision was in contradiction with a written agreement originally made between the Town and Fifth Third's predecessor bank. After much communication between Town staff and the bank's Vice President, Fifth Third has agreed to restore interest payments to the Town, retroactive to the point they had been suspended.

During discussion, Mayor Pro Tem Nichols again asked that past Board of Commissioners meeting minutes be reviewed as soon as possible to determine any necessary actions needed to close or modify certain North Carolina Capital Management Trust accounts. Commissioner Tate also asked that the Recreation and Parks line item name be changed to Landcare.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and inspections report for the month of April. Some questions had arisen over the past month concerning a particular construction project on Maryland Place. He explained that a property owner was installing an engineered retaining wall to control a failing cut slope behind the home's garage. Commissioner Currie commented on the appearance of the sculpted and stained concrete retaining wall at the South Carolina Home cell tower site and asked whether the Town's ordinances could be changed to require all future retaining walls to be of this type. Mr. Currie said retaining wall materials and appearance may be best regulated through the establishment of architectural review guidelines. He also cautioned that walls similar to the one installed at the South Carolina Home cell tower site were considerably more expensive than more conventional concrete or stacked stone walls. Commissioners McCaskill and Standaert felt that homeowners should be educated about the option of using a sculpted and stained concrete wall, but not required to do so. Commissioner Standaert also asked whether the Light Reflectance Value regulations of the Town's hillside development ordinance applied to retaining walls. Mr. Currie said he understood this language to apply more particularly to dwelling structures, but agreed to research the matter further. Mr. Currie also reported that the cell tower structure at the South Carolina Home site would be installed the following week, and that recent stormwater runoff complaints related to construction at the site had been addressed. The Planning and Zoning Commission are still working to finalize their recommendation for minimum house code regulations, and the Board of Adjustment has not met in recent months.

### Commissioner Reports

Mayor Pro Tem Nichols had no report at this time.

Commissioner Currie asked whether it would be more appropriate to request the Montreat Landcare Committee to begin beautification efforts for the area near the Montreat Gate or to include this in the scope of plans being developed by Equinox Environmental Group. Discussion was heard about the scope of both the Transportation Improvement and Assembly Drive Greenway Plans, as well as the public input and education efforts proposed for each project. Commissioner Standaert felt that recommendations from the Institutional Parking Study Committee were needed before making a final decision about beautification efforts in this area. Mr. Nalley suggested that while a Gate beautification plan would require input from many of the same community entities as the Transportation Improvement and Greenway Plans, it did not need to be completed at the same time or by the same entity. He recommended requesting the Montreat Landcare Committee to consider this project once some of their other pending projects were completed. Commissioner Standaert agreed, but reiterated her concerns that both residential and institutional parking needs in this area should be addressed first. Staff will work to coordinate an initial meeting time and place for the Institutional Parking Study Committee. Commissioner McCaskill said he attended a recent Land-of-Sky Regional Council meeting on the Mayor's behalf.

Commissioner Standaert reported on the following items:

- A new sign displaying the dumpster facility's revised hours of operation has been installed.
- Updated sanitation and recycling brochures are being developed and will be distributed in early June.
- The Black Mountain Center for the Arts is preparing for its upcoming "Art in Bloom" event on June 17-20.

Commissioner Tate said the minutes of the recent Montreat Landcare Committee meeting had been completed and forwarded to the Council members. He distributed invitations to the May 15<sup>th</sup> Black Mountain Garden Show and Sale beginning at 9:00 a.m. on Sutton Avenue in downtown Black Mountain. He will also attend tomorrow's Asheville-Buncombe Flood Damage Reduction Task Force meeting.

### **Public Comment**

Skip Taylor thanked the Police and Public Works Departments for their assistance with the recent visit from President Obama.

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

Commissioner Tate encouraged any interested volunteers to apply for three vacant seasonal positions at the Nature Center.

### **Old Business**

Town of Montreat Police Captain and Senior Water Technician: Job descriptions for both of these positions have not yet been completed, and staff may ask that consideration of these items be delayed until the June Town Council Meeting. Mr. Nalley explained that, although no salary adjustments are involved, both the Police Captain and Senior Water Technician are new positions and it is important that the job description language reflects an accurate scope of duties and fits the organizational structure of Town staff. He also stated that the vacant position in the Public Works Department could be advertised and filled separate from the appointment of a Senior Water Technician if the Board so chose. After brief discussion, the Board directed staff to proceed with advertising for a Utility Maintenance Technician position in the Public Works Department.

Asphalt Patching and Repair Project: Unusually severe weather conditions over the winter months caused widespread pothole and asphalt cracking throughout the Town. Due to prior capital project commitments and the scope of the needed pavement repairs, staff recommends contracting with a professional paving company to complete this project. The proposal from C&T Paving in the amount of \$10,875.00 seems reasonable for the size of the project and is below the costs threshold for formal bidding requirements. This project will be completed before June 1 and will coincide with repairs to a separated asphalt seam on Appalachian Way.

The seam separation is believed to be caused by faulty asphalt combined with severe winter weather conditions and will be repaired at no additional cost to the Town.

Woodland Road Drainage Improvements and Paving Project: Mr. Nalley stated that while the original cost estimate for the Woodland Road drainage and paving project was near \$165,000, bids received on April 19 were significantly higher than expected. JLS Company submitted the lower of the two bids received, at \$217,162. Much of the increased cost is attributed to grading and rock removal related to the underground stormwater control system. Because drainage control is an essential component of this project, staff recommends approving the proposed contract with JLS Company and funding the additional expense with funds from the Assembly Drive paving project that will not be used during the current fiscal year.

Discussion was heard comparing the construction, engineering and contingency costs of both the original and current project design. Commissioner Standaert was greatly concerned about the additional expense related to grading and rock removal costs for the underground stormwater control system and questioned whether the previously suggested rain garden option should be reconsidered. Commissioner McCaskill noted that there was much public opposition to the rain garden design even among those that supported the paving portion of the project due to the number of trees and other native vegetation that would need to be removed. He felt that although the rain garden option may be less expensive, it was not the most effective or suitable stormwater control option for this area. Commissioner Tate agreed. The Board will make a final decision on JLS Company's contract proposal for this project at next week's meeting.

### **New Business**

Auditing Services Contract – Martin Starnes & Associates: In accordance with Town policy, Requests for Proposals (RFPs) for professional services contracts are distributed every five years. RFPs for auditing services were developed recently with guidance from the Local Government Commission and sent to ten firms recommended by other regional municipalities. Of the eight firms that responded, three were selected by the Town's Audit Committee for further consideration. The Audit Committee interviewed representatives from Johnson, Price & Sprinkle, Loudermilk Church and Martin Starnes & Associates on April 28, and unanimously recommends Martin Starnes & Associates as the Town's auditing firm beginning with the 2009-2010 Fiscal Year Audit.

Audit Committee Chair Bill Hollins stated that 95% of Martin Starnes' business was auditing local North Carolina government accounts, many of which were small governments similar to Montreat. He noted that 89% of their clients' draft audit reports were submitted to the Local Government Commission by the October 31 deadline. Mr. Hollins also commended the Audit Committee members and Mr. Stackhouse for their work in developing the RFP for auditing services and preparing a final contract award recommendation.

Mayor Pro Tem Nichols asked for a cost comparison between Johnson, Price & Sprinkle's and Martin Starnes' proposals. Mr. Stackhouse stated that while cost was not the predominant

consideration during the Audit Committee's review, Martin Starnes proposal of \$19,000 was considered reasonable based on the scope of services. It was also lower than Johnson, Price & Sprinkle's renewal proposal of just over \$22,000, which did not include any review of the Town's American Recovery and Reinvestment Act of 2009 funding receipts.

Code of Ethics – Montreat Board of Commissioners: N.C.G.S. 160A-86 requires all North Carolina cities, counties, local boards of education, unified governments, sanitary districts, and consolidated city-counties to adopt a resolution or policy containing a code of ethics by January 1, 2011. This same statute governs the ethics training requirements which all Board members successfully completed earlier this year. The proposed Code of Ethics presented for the Board's consideration is based on a model code prepared by A. Fleming Bell, II of the UNC School of Government to ensure that each local government's code of ethics meets all aspects of the current statutory requirements. An optional section entitled "Censure Procedures" is included which details the limited measures a Board may take if it feels that one or more of its members has violated its ethical code. This section is not statutorily required and it is entirely up to the Board's discretion as to whether they wish to consider including the language of this section in the adopted Code.

Proposed Revisions to Montreat General Ordinance Chapter C – Fire Protection and Prevention: Mr. Currie explained that the suggested changes to this ordinance section would complete the transition of shifting authority and regulatory oversight of fire inspection and permitting services from the Town of Black Mountain Fire Department to Montreat. While the Town still relies on the Town of Black Mountain Fire Department for fire response and protection services, staff feels that efficient monitoring and oversight of the day-to-day activities within the Town would be best handled locally by staff familiar with the various projects currently under way at any given time. Brief discussion was heard concerning the need for a specific designation of a Fire Code Official. Mr. Currie explained that Section 3 of the proposed ordinance language was worded so that the Code Administrator or other Board-appointed designee would be authorized to perform these duties without the need for further amendments to the ordinance language.

Proposed Revisions to the Town of Montreat Fee Schedule – Operational and Construction Fire Permits: Mr. Currie stated that the North Carolina Fire Prevention Code requires mandatory permits for a number of operational and construction-related activities. Among these are the use, handling, storage or sale of flammable and combustible materials, installation of automatic fire detection, alarm, and extinguishing systems, hazardous materials storage, and erection and operation of tents, canopies and other air-supported structures. Mr. Currie said that to his knowledge, few if any inspections have been conducted or permits issued in the past for certain of these activities. He proposed revisions to the Town's Fee Schedule to include a \$100 fee for operational and construction-related fire inspection permits. Discussion was then heard concerning the impact the proposed fee schedule amendment would have on certain Montreat College and Conference Center events. Several Board members supported a lower permit fee amount for operational and construction-related fire inspections. Staff will revise the proposed Fee Schedule amendment based on these comments and present an updated recommendation at next week's meeting.

Proposed Revisions to the Town of Montreat Fee Schedule – Flood Hazard Area Development Permits: The Town Fee Schedule currently contains no provisions requiring applicants to pay a review fee for plans to develop within a Special Flood Hazard Area (SFHA). The staff time required to review permit applications for development within a (SFHA) is comparable, and in many cases exceeds, that required for zoning compliance applications and smaller residential building projects. Staff proposes a \$50 review fee for development applications within the SFHA. Commissioner Standaert felt that this amount may be insufficient and suggested increasing it. Mr. Currie agreed to research options to incorporate permitting fee language that would increase the review fee for development plans requiring more extensive review.

Municipal Bridge Agreement – Texas Road Bridge Replacement Project: Mr. Nalley presented copies of the Municipal Bridge Agreement from the North Carolina Department of Transportation for replacement of the Texas Road bridge. Upon review, staff has found no objection to the proposed agreement language, which is based on the NCDOT's Municipal Bridge Program guidelines. This agreement must be executed and returned to NCDOT staff in order to qualify for reimbursement grant funding. The planning and engineering phases of the project will begin after the executed agreement is submitted. During discussion, Mr. Nalley explained that cost reimbursement will likely be made on a monthly basis from expense reports submitted to the NCDOT, and not at in a lump sum at the end of the project. He also stated that all contracts for professional engineering and other related services for this project must be submitted to the NCDOT for pre-approval.

### Public Comment

There were no comments from the public at this time.

### Meeting Dates

Mayor Pro Tem Nichols announced following upcoming meeting dates:

<u>May Town Council Meeting:</u>	May 13, 2010, 7:00 p.m., Walkup Building
<u>May Planning and Zoning Commission Meeting:</u>	May 20, 2010, 7:00 p.m., Walkup Building
<u>Agenda Item Deadline:</u>	May 28, 2010, 4:30 p.m., Town Services Office
<u>Town Services Offices Closed:</u>	May 31, 2010 Memorial Day Holiday
<u>Rescheduled Sanitation Collection Date:</u>	Tuesday, June 1, 2010, 8:00 a.m.

**Montreat Board of Commissioners**  
**Agenda Meeting**  
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<u>Bi-Weekly Sanitation Collection Begins:</u>	June 1, 2010
<u>June Montreat Landcare Committee Meeting:</u>	June 1, 2010, 9:30 a.m., TBD
<u>Agenda Packets Available:</u>	June 1, 2010 Town Services Office
<u>June Agenda Meeting:</u>	June 3, 2010, 7:00 p.m., Walkup Building
<u>June Town Council Meeting:</u>	June 10, 2010, 7:00 p.m., Walkup Building
<u>June Planning and Zoning Commission Meeting:</u>	June 17, 2010, 7:00 p.m., Walkup Building
<u>Summer Bulk Item Collection Date:</u>	July 6, 2010

**Adjournment**

There being no further business to discuss, Commissioner Tate moved to adjourn the Agenda Meeting. Commissioner Standaert seconded. The motion carried 5/0 and the meeting was adjourned at 9:27 p.m.

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Letta Jean Taylor, Mayor

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Misty R. Gedlinske, Town Clerk