

**Town of Montreat  
Board of Commissioners  
Town Council Meeting  
May 13, 2010 – 7:00 p.m.  
Walkup Building**

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The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on May 13, 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  
Stefan Stackhouse, Finance Officer  
David Currie, Building Inspector/Code Administrator  
Susan Taylor Rash, Town Attorney (arrived at 7:50 p.m.)

Five 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**

On Mayor Taylor's behalf, Mayor Pro Tem Nichols thanked Mr. Freeman for his repair work on the meeting room's flag pole.

**Review of the Consent Agenda**

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

- 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 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
- A call for a Public Hearing on June 3, 2010 at 7:00 p.m. or as soon thereafter as possible to discuss the proposed 2010-2011 Fiscal Year Budget

Mr. Nalley advised that he had recently discovered some significant revisions needed to the proposed 2010-2011 Fiscal Year Budget which would require some additional time to resolve. He asked the Board to set a special meeting for presentation of the corrected budget draft. After brief discussion, Commissioner Tate moved to hold a special meeting on May 24 at 5:00 p.m. in the Town Services Office for presentation and review of the proposed 2010-2011 Fiscal Year Budget. Commissioner Tate seconded and the motion carried 5/0.

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

American Recovery and Reinvestment Act of 2009 Funding Update: The Board will hold a Closed Session later this evening to discuss property purchase negotiations for the purchase of lots for the Greybeard Trail well site construction project. Mr. Freeman will provide further details regarding the status of the automated meter reading system, Greybeard Trail water line extension and Harmony Lane site projects under his departmental report.

2010 Census Update: Census workers are now performing door-to-door canvassing for all households that have not yet submitted their Census forms. Although the official deadline has now passed, forms may still be submitted by mail until July 1. Montreat's return rate is currently 59%, much lower than many other local municipalities. Staff is hopeful that once the canvassing process determines how many homes are seasonally occupied, this number will be deducted from the official housing count and the response rate will then improve. The Board asked staff to keep a supply of census forms available at the Town Services Office.

Public Utility Extension Request – Lots Above Peace Lane: Several owners of undeveloped lots above Peace Lane have petitioned the Town to extend road, water and sewer services to this area by means of a public assessment procedure. Two of the requesting property owners are now working to prepare preliminary engineering information related to this request, which staff hopes to be able to present in June for the Board's review. The scope of the engineering report would only include those homeowners currently requesting road and utility services extensions. If the Town wished to proceed with a larger-scale development plan involving the MRA and any other affected property owners, this will require supplemental engineering work to be completed at the Town's expense and incorporated into the final assessment cost. In recent communications with Town staff, Mountain Retreat Association Vice President for Finance Richard Sills indicated that the MRA may be interested in placing some or all of their lots in this area into permanent conservation. This matter has not yet been considered by the MRA Property Committee or Board of Directors, and no final decision regarding donation or development has been made at this time.

During discussion, Mayor Pro Tem Nichols felt the Board needed written information from the MRA detailing their donation or development intentions for these lots before making a final decision on the scope of public road and utility assessments in this area. He also felt that if the lots were not going to be placed into permanent conservation they should be included in the assessment roll. Commissioner Standaert agreed, and also supported obtaining a timeline from the MRA as to when they expected to make a final decision concerning their lots. Montreat Conference Center Vice President for Youth & Young Adult Ministry Bob Tuttle was recognized and said that he did not expect a decision to be made without prior review by the Property Committee. Commissioner Currie said she was concerned that the Board of Commissioners may not be fully aware of any communication or decisions made between Town and MRA staff. Mr. Nalley explained of his conversations with Mr. Sills and the preliminary engineering work being prepared by the requesting property owners were done according to the Board's direction.

After further discussion, The Board directed Town staff to contact the MRA to obtain more information on a timeline for their decision on whether their lots would be donated into conservation or held for possible future development. The Board also agreed by consensus for the private property owners requesting public road and utility extensions to proceed with obtaining preliminary engineering information for presentation at the June Town Council Meeting. Mayor Pro Tem Nichols also asked that a map of the subject area be provided at any future meetings where this matter will be discussed.

In other matters, Mr. Nalley thanked the Police and Public Works Departments, as well as the Mountain Retreat Association and Montreat College staff for their assistance with the recent visit from President Obama.

### **Administrative Reports**

Police Chief: Chief McClintock was absent and had no report at this time.

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 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 seven well house meters have yet to be replaced. Remote readings were completed within two hours and manually rechecked for accuracy.

- One resident requested an investigation into a possible leak at his home. Using the AMR system's software, staff was able to provide hour-by-hour details concerning when the leak started and stopped, as well as the amount of water used during that time period.
- Leak repairs and pump replacement at Well 1 and Well A are now completed and these wells are back in service.
- April's water loss due to unaccounted usage was 14%.

Finance Officer: Mr. Stackhouse presented and reviewed the final March 2010 and preliminary April 2010 Financial Statements, as well as cash investment report for the period ending March 31, 2010. He briefly reiterated comments made at last week's meeting concerning recent difficulties he had experienced with Fifth Third Bank related to interest payment accruals on the Town's central depository account. These interest payments have now been reinstated retroactive to the point they were originally suspended. Mr. Stackhouse then explained how ad valorem property tax receipts are reported on the monthly financial statements and reconciled with the Buncombe County Tax Department's reports.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and inspections report for the month of April. He reported that the cell tower structure had been installed at the South Carolina Home site, and that crews were now working to install the artificial tree branches that will camouflage the antenna arrays. AT&T is currently the only service provider using the tower, although the structure can provide space for up to six carriers. The Planning and Zoning Commission will meet next week to continue their work on minimum house code regulations. Commissioner Currie asked staff to add reconsideration of Montreat General Ordinance noise regulations to the Planning and Zoning's next meeting agenda, as she and Commissioner Tate planned to give a presentation on this matter.

### Commissioner Reports

Mayor Pro Tem Nichols had no report at this time.

Commissioner Currie had no report at this time.

Commissioner McCaskill invited everyone to attend the French Broad River Greenway extension ribbon cutting ceremony tomorrow afternoon at 1:30 p.m. near Carrier Park.

Commissioner Standaert reported on the following items:

- 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.
- The Black Mountain Presbyterian Church will hold a covered dish supper tomorrow evening at 5:30 p.m. Commissioner Standaert will give a PowerPoint presentation on historical connections between Montreat and Black Mountain over the past 100 years.

Commissioner Tate said the minutes of the recent Montreat Landcare Committee meeting had been completed and forwarded to the Council members. He also invited everyone to attend 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.

### Public Comment

John Jordan presented the Board with copies of a book about the history of Saxapahaw, North Carolina, as well as an edition of "Our State" magazine which featured the town. He suggested the use of a date stamp to record the receipt date of documents submitted to Town staff and donated a date stamp for this purpose. He also asked that the Town's telephone system be altered so that all incoming calls are answered by a live person rather than routed through a recorded menu selection.

### Old Business

Town of Montreat Police Captain and Senior Water Technician: Mr. Nalley asked that both approval of the final job description language and staff appointments to these positions be removed from tonight's meeting agenda and considered at the May 24 Special Meeting. Commissioner Currie then moved to add Police Captain and Senior Water Technician job description approval and position appointments to the May 24, 2010 Special Meeting agenda. Commissioner Standaert seconded and the motion carried 5/0.

Asphalt Patching and Repair Project: Unusually severe weather conditions over the winter months caused widespread pothole and asphalt cracking throughout the Town. Staff will be able to perform a portion of the repairs, but prior capital project commitments necessitate contracting with a professional paving company for the majority of the work. C&T Paving has submitted a proposal in the amount of \$10,875.00, which staff feels is reasonable for the size of the project. Work 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. Commissioner Currie moved to approve the contract with C&T Paving, Inc. for asphalt patching and repair in the amount of \$10,875.00. Commissioner McCaskill seconded and the motion carried 5/0.

Woodland Road Drainage Improvements and Paving Project: Commissioner Currie moved to approve the contract for the Woodland Road drainage improvements and paving project with JLS Company in the amount of \$217,162.00 and authorize the Mayor and Town Administrator to execute the necessary contract documents. Commissioner McCaskill seconded. During discussion, Mr. Nalley asked the Board to amend their motion to state that the contract price would not exceed \$217,162 so that McGill Associates could continue their grading and rock removal cost negotiations with JLS Company. Commissioner Currie then amended her motion as follows:

“To approve the contract for the Woodland Road drainage improvements and paving project with JLS Company in an amount not to exceed \$217,162.00 for the purpose of rock removal cost negotiation and authorize the Mayor and Town Administrator to execute the necessary contract documents.”

Commissioner McCaskill seconded. The vote on the motion amendment carried 5/0. After further brief discussion the motion to approve the Woodland Road drainage improvements and paving project contract also carried 5/0.

### **New Business**

Auditing Services Contract – Martin Starnes & Associates: It is the Town’s policy to distribute Requests for Proposals (RFPs) for professional services contracts on a five-year cycle. RFPs for auditing services were developed recently with guidance from the Local Government Commission (LGC) 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. Mr. Stackhouse explained that the contract with the selected firm would be presented for renewal by the Board each year for the next five years. Commissioner Currie commended the Audit Committee and Mr. Stackhouse for their work in developing the auditing services RFP and preparing their recommendation to the Board. She agreed with comments made at last week’s meeting by Audit Committee Chair Bill Hollins that Martin Starnes & Associates would provide an extensive amount of experience working with smaller local governments and had an excellent record of meeting LGC reporting deadlines. Commissioner Currie then moved to approve the contract for auditing services with Martin Starnes & Associates in the amount of \$19,000. Commissioner Tate seconded and the motion carried 5/0.

Code of Ethics – Montreat Board of Commissioners: N.C.G.S. 160A-86 requires all North Carolina cities, counties, and other similar entities 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. Optional censure procedures are also included in the proposed draft, which are not statutorily required and can be removed from the final ethics code at the Board’s discretion. Commissioner Tate moved to adopt the Code of Ethics for the Town of Montreat Board of Commissioners as presented. Commissioner Standaert seconded and the motion carried 5/0.

Proposed Revisions to Montreat General Ordinance Chapter C – Fire Protection and Prevention: The suggested changes to this ordinance section will 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. These services will now be provided by Mr. Currie through his designation as Montreat's Code Administrator and Fire Code Official. The Town will continue to contract with the Black Mountain Fire Department for fire response and protection services. Commissioner McCaskill moved to call for a Public Hearing on June 10, 2010 at 7:00 p.m. or as soon thereafter as possible to discuss proposed revisions to Montreat General Ordinance Chapter C – Fire Protection and Prevention. Commissioner Tate seconded and the motion carried 5/0.

Proposed Revisions to the Town of Montreat Fee Schedule – Operational and Construction Fire Permits: 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. At last week's meeting, Mr. Currie presented proposed revisions to the Town's Fee Schedule to include a \$100 fee for operational and construction-related fire inspection permits. This fee has now been reduced to \$25 based on direction from the Board. Commissioners Standaert and McCaskill agreed that the reduced fee was a more appropriate amount. The Board asked staff to contact Montreat College, the Mountain Retreat Association, Montreat Cottager's Association and any other affected local entities to advise them of the permitting requirements and proposed fees. Commissioner Standaert also requested an amendment to the Town's Fee Schedule to change "seasonal" back door collection fees to "three months." Staff will prepare an updated fee Schedule draft for the Board's review prior to next month's Public Hearings.

Commissioner Standaert then moved to call for a Public Hearing on June 10, 2010 at 7:10 p.m. or as soon thereafter as possible to discuss proposed revisions to the Town of Montreat Fee Schedule related to operational and construction fire permits. Commissioner McCaskill seconded and the motion carried 5/0.

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. Based on discussion heard at last week's meeting, Mr. Currie revised his original base fee recommendation from \$50 to \$100, with additional footnote language stating that permit applications requiring additional technical staff review time may be subject to increased permitting fees. Commissioner Tate moved to call for a Public Hearing on June 10, 2010 at 7:20 p.m. or as soon thereafter as possible to discuss proposed revisions to the Town of Montreat Fee Schedule related to flood hazard area development permits. Commissioner Currie seconded and the motion carried 5/0.

Municipal Bridge Agreement – Texas Road Bridge Replacement Project: A Municipal Bridge Agreement from the North Carolina Department of Transportation must be executed and

returned to NCDOT staff in order to qualify for grant funding for this project. Under the Municipal Bridge Program guidelines, the Town will be reimbursed for 80% of the construction costs for the bridge replacement. However, the following stipulations and conditions will apply:

- 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 approximately 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.
- The total estimated cost of the project is approximately \$700,000. The Town will be responsible for 20% of this amount.

Commissioner Standaert then moved to approve the Municipal Bridge Agreement between the North Carolina Department of Transportation and the Town of Montreat for the Texas Road bridge replacement project. Commissioner McCaskill seconded. During further discussion, Mr. Nalley advised that once the agreement is approved and returned to the NCDOT, the next step will be appointing a State-approved engineering firm to complete a new preliminary design for the bridge. After further brief discussion, the motion then carried 5/0.

### **Public Comment**

John Jordan asked whether the new Texas Road bridge would have one or two travel lanes, and whether the existing bridge structure would be removed. Mr. Nalley said that demolition of the existing bridge is likely since the new bridge must go in roughly the same location as the old one. Current engineering plans call for a two-lane replacement bridge, but this may change by the time a final construction plan is developed and approved. Commissioner McCaskill said he favored installing a one-lane bridge, since this section of Texas Road was only open to one-way traffic.

Bob Tuttle said the first seasonal staff members would arrive on the following Monday, and thanked the community in advance for their support of their summer conference season.

### **Meeting Dates**

Mayor Pro Tem Nichols announced following upcoming meeting dates:

May Planning and Zoning Commission Meeting:

May 20, 2010, 7:00 p.m.,  
Walkup Building

Special Town Council Meeting:

May 24, 2010, 5:00 p.m.,  
Town Services Office

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Agenda Item Deadline: May 28, 2010, 4:30 p.m.,  
Town Services Office

Town Services Offices Closed: May 31, 2010  
Memorial Day Holiday

Rescheduled Sanitation Collection Date: Tuesday, June 1, 2010, 8:00 a.m.

Bi-Weekly Sanitation Collection Begins: June 1, 2010

June Montreat Landcare Committee Meeting: June 1, 2010, 9:30 a.m.,  
Outdoor Education Classroom

Agenda Packets Available: June 1, 2010  
Town Services Office

June Agenda Meeting: June 3, 2010, 7:00 p.m.,  
Walkup Building

June Town Council Meeting: June 10, 2010, 7:00 p.m.,  
Walkup Building

June Planning and Zoning Commission Meeting: June 17, 2010, 7:00 p.m.,  
Walkup Building

Summer Bulk Item Collection Date: July 6, 2010

**Closed Session**

Commissioner Currie 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, Commissioner McCaskill moved to adjourn the Town Council Meeting. Commissioner Tate seconded. The motion carried 5/0 and the meeting was adjourned at 9:12 p.m.

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Letta Jean Taylor, Mayor

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Misty R. Gedlinske, Town Clerk