

**Town of Montreat  
Board of Commissioners  
Town Council Meeting  
May 14, 2009 – 7:00 p.m.  
Kirk Allen Building**

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The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on May 14, 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 Bill Hollins and Commissioner Jack McCaskill. Commissioner Ruth Currie and Commissioner O'Neil Tate arrived at 7:02 p.m. 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. Seven members of the public were also present. After calling the meeting to order, Mayor Taylor led the group in reciting the Pledge of Allegiance and gave the invocation.

**Agenda Approval**

Mayor Taylor asked that the meeting agenda be amended to change the description of Consent Agenda Item C from "Proposed 2009-2010 Fiscal Year Budget Presentation" to "Proposed 2009-2010 Fiscal Year Budget Hearing," and to add the presentation of the 2009-2010 Fiscal Year Budget as the final item of New Business. Mr. Nalley also advised that Sam Hope had expressed some reservations about his ability to serve as the Community-at-Large Representative to the Montreat Landcare Committee. After discussion, the Board agreed by consensus to leave the list of Montreat Landcare Committee nominees unchanged, and to appoint a replacement for Mr. Hope at a later time if necessary. Commissioner Tate then moved to adopt the meeting agenda as amended. Mayor Pro Tem Nichols seconded and the motion carried 5/0.

**Public Hearing - Proposed 2009-2014 Capital Improvements Program**

Mayor Taylor opened the Public Hearing on this matter. Mr. Nalley advised that although the Town did not receive American Reinvestment and Recovery Act of 2009 funding through the North Carolina Department of Transportation for the Texas Road bridge replacement project, he had applied for alternate funding for this project through the French Broad River Metropolitan Planning Organization. He explained that drainage costs were included in the Woodland Road paving project price, and that a neighborhood educational meeting would be scheduled once the final project design had been determined. Mr. Nalley said the Woodland Road project had been removed from the draft 2009-2010 Fiscal Year Budget due to a lack of revenues, but could be added back in and funded through a fund balance appropriation or delay of another project if the Council so chose. He also clarified that the leaf truck replacement expense scheduled for the 2011-2012 Fiscal Year was related to the truck itself, rather than the leaf vacuum equipment. Commissioner McCaskill reiterated his previous comments about the need to compile comprehensive inventory information on all of the Town's vehicles. Hearing no further comments, Mayor Taylor then closed the Public Hearing on this matter.

**Communications From the Mayor**

2009 Mayor's Cup Raft Race: Mayor Taylor announced that Commissioner McCaskill, Commissioner Tate, Ron Nalley and David Currie would represent Montreat in the 2009 Mayor's Cup raft race on June 7, 2009 at 3:30 p.m. at French Broad River Park in Asheville.

Letter to Council – Robert Hudspeth: Mayor Taylor said the Council members had each received copies of a letter from Mountain Retreat Association Board of Directors Vice President Robert Hudspeth. She also thanked the MRA representatives present for their attendance at this month's Agenda and Town Council Meetings.

**Review of the Consent Agenda**

Mr. Nalley summarized the items approved with the adoption of the Consent Agenda, which included the following:

- March 12, 2009 Town Council Meeting Minutes
- March 20, 2009 Special Meeting Minutes
- April 2, 2009 Agenda Meeting Minutes
- April 8, 2009 Special Meeting Minutes
- Appointment of O'Neil Tate and Mike Sonnenberg as Town representatives to the Montreat Landcare Committee
- Appointment of Sam Hope as Community-at-Large representative to the Montreat Landcare Committee
- A call for Public Hearing on June 11, 2009 at 7:00 p.m. or as soon thereafter as possible to discuss the proposed 2009-2010 Fiscal Year Budget

**Communications From the Town Administrator**

American Recovery and Reinvestment Act of 2009: Mr. Nalley reported that the Town had received some funding from the State of North Carolina for the Greybeard Trail and Harmony Lane well site projects, and said he was still researching why the amount received was less than the requested amount. He had not yet received a response concerning any funding for the automated meter reading system or Greybeard Trail water line replacement project.

Drought Management Plan Update: Mr. Nalley reported that staff had submitted a revised Drought Management Plan to the North Carolina Division of Water Quality. Once the plan is accepted by the State, it will be presented to the Council for formal adoption.

Charter Communications Restructuring: Mr. Nalley presented a letter from Charter Communications announcing that the company had filed for Chapter 11 bankruptcy reorganization.

NCRWA Water Conservation Information: An informational brochure on the potential impact of water leaks from the North Carolina Rural Water Authority has been posted in the Town Services Office and Montreat Post Office and included in the agenda packets for the Council's reference.

Buncombe County Solid Waste Department Update: Mr. Nalley advised that the Buncombe County Solid Waste Department had implemented a \$5 per item fee for mattress disposal. He asked for Council's authorization to charge Montreat residents the same fee amount per item for mattress collection. The Board agreed by consensus, and asked staff to include information on this new fee in the next edition of the newsletter, the updated sanitation brochure and on the May water bills.

Montreat Conference Center Donation: Mr. Nalley thanked the Mountain Retreat Association for their recent \$5,000 payment-in-lieu-of-taxes donation. MRA President Pete Peery was recognized and said that during the next fiscal year, the MRA planned to make a contribution to the Town based on the number of conference attendees.

### **Administrative Reports**

Police Chief: Chief McClintock gave his activity report for the month of April and noted increased activity in several areas. He particularly noted some occurrences of vandalism and a theft of a motor vehicle during this time period. Chief McClintock also reiterated his request from last week's meeting to fill the vacant reserve officer position. Commissioner Hollins moved to appoint Henry Watkins as a reserve officer for the Montreat Police Department. Mayor Pro Tem Nichols seconded and the motion carried 5/0.

Public Works Director: Mr. Caldwell reminded the public that, due to the upcoming Memorial Day holiday, garbage and recyclable collection would be delayed for that week until Tuesday, May 26. He also reported that well drawdown testing on Greybeard Trail had indicated a 90 gallon-per-minute combined flow yield for the three sites.

Finance Officer: Mr. Stackhouse presented and reviewed the final March and preliminary April 2009 Financial Statements, as well as quarterly investment earnings information for the period ending March 31, 2009. During discussion, Mayor Pro Tem Nichols encouraged staff to research multiple investment options to maximize interest rate returns on the Town's investments. Commissioner Currie referred to a letter she had received from a resident concerning an issue with his residential water bill. Mr. Stackhouse and Mr. Nalley stated that the problem stemmed from a water leak and explained the steps they both had taken to help resolve the matter.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and building inspections report for the month of April. He reported that at their April meeting the Planning and Zoning Commission reviewed a preliminary draft of revisions to the Subdivision Ordinance to allow conservation subdivision alternative and began their

consideration of possible revisions to current off-street parking regulations. Mr. Currie also advised that Towers XX would hold a public informational meeting at 6:00 p.m. on May 21 in the Walkup Building to discuss the placement and construction of a “stealth wireless communications facility” to be located in the rear of the South Carolina Home property.

### **Commissioner Reports**

Mayor Pro Tem Nichols reported that the Black Mountain Center for the Arts would hold its annual “Art in Bloom” fundraising event on June 18-21 and invited everyone to attend.

Commissioner Currie asked for any further discussion of her report at last week’s meeting on the Planning and Zoning Commission’s past consideration of possible permit fees for oversized vehicles entering Montreat. She felt this issue was important because of the need to offset the cost of repairing the damage these types of vehicles caused to the Town’s road surfaces and also as a means of providing a source of user-based fees. Mayor Pro Tem Nichols said that the Mountain Retreat Association’s plans to make a contribution to the Town based on the number of conference attendees served as a user-based fee that would offset the impact of any buses used that year by their organization. Commissioner McCaskill felt this type of regulation would be difficult for staff to administer and suggested that fees based on conference attendance or the inclusion of vehicle impact fees on building permits may be more practical. Mayor Pro Tem Nichols pointed out that zoning and building permit fees had already been significantly increased over the past year. Commissioner Hollins also felt that an ordinance addressing oversized vehicle regulations would be difficult to draft and said other sources of user-based fees may be more appropriate. Commissioner Currie felt that traffic congestion on secondary roads caused by large vehicles was a valid reason to pursue this matter and asked that it be forwarded to the Planning and Zoning Commission for further review. Mr. Nalley confirmed that the Comprehensive Plan Implementation Matrix included a recommendation to conduct an engineering study to determine the acceptable weight the existing Town roads could handle and to impose a permit fee for vehicles above that weight. He pointed out that the Comprehensive Plan Steering Committee had not recommended any immediate action on this item, and said that the Planning and Zoning Commission had several other matters before them for consideration that would need to be addressed first. After further discussion, the Board agreed by consensus to forward the matter to the Planning and Zoning Commission for further review as a long-range project.

Commissioner Hollins advised that the 4<sup>th</sup> of July Parade Committee had expressed some concerns about traffic control during this year’s parade, since there would also be extra traffic from summer conferences beginning and ending on that same day. Discussion was heard concerning possible options for managing the extra traffic flow that day, including the possibility of temporarily re-opening the Texas Road bridge or allowing one-way traffic on Texas Road Spur. Mayor Taylor asked Chief McClintock to prepare a traffic control and safety plan for the 4<sup>th</sup> of July parade and conferences for consideration at the Council’s June meeting.

Commissioner McCaskill had no report at this time.

Commissioner Tate reported that the minutes of the Montreat Landcare Committee's recent meeting had been e-mailed to the Council, and that planting for the first phase of the Native Plant Garden was completed.

### Public Comment

There were no comments from the public at this time.

### Old Business

Proposed Montreat General Ordinance Chapter K, Article IV "Hillside Development": Mr. Nalley said that staff had met with representatives from the Mountain Retreat Association to discuss both this ordinance and the proposed Stormwater Management Ordinance and were working to schedule an additional meeting on these topics. Mr. Currie then reviewed the following revisions to the draft hillside development regulations and reiterated staff's opinion that the revisions to the Approved Graded Area regulations would eliminate the need for properties in the Institutional and Institutional/ Residential Districts to be exempted from the ordinance:

- Land-disturbing activities associated with installation of water quality Best Management Practices (BMPs) may be revegetated so as to not affect the amount of Approved Graded Area (AGA) allowed
- Buncombe County's "Slope Tool" has been updated to enable calculation of existing grade within a portion of the parcel selected.
- The tabular AGA may be increased up to 50%, upon request to the Code Administrator, if:
  - Justified - due to inherent difficulties associated with the subject lot making adequate grading at that location impractical;
  - The affected area is revegetated; and
  - The additional area may not be built upon to include impervious cover or structures
- On smaller (<0.25 acre) steeply-sloping (>40%) lots, a reduction of up to 50% in the required front yard setback may be permitted to accommodate situations where the off-street parking requirements cannot be met.
- Baseline values for Maximum Impervious Ratio have been increased for lots above existing slopes of 50% due to recently received engineering information

Mr. Nalley reiterated that certain sections of the ordinance, including density regulations, parking requirements and the possible addition of language addressing the expansion of institutional properties which may already exceed the allowable impervious surface ratio. Discussion was heard among the Council whether to forward the draft ordinance to the Planning and Zoning Commission for further review or to direct staff to make any necessary revisions and hold a workshop meeting to discuss them. Planning and Zoning Chair Mary Standaert was recognized and said she believed the Commission may not be able to complete the needed

revisions in time for the Council's consideration in June and felt that a workshop meeting to consider revisions made by Town staff may be more expeditious. After further discussion, the Board agreed by consensus to direct staff to make additional revisions to the draft ordinance based on discussion heard at this meeting and any comments from additional meetings with MRA representatives, and for the Council to schedule a workshop meeting to review those changes under discussion of upcoming meeting dates later this evening. Commissioner Hollins asked the MRA to provide specific, detailed information on what they believed would be the extent of the proposed ordinance's impact on their properties.

Proposed Revisions to Montreat General Ordinance Chapter K, Article III "Stormwater Management": Mr. Currie presented and reviewed the most recent revisions to the draft ordinance, which included the following:

- A 50% permit fee reduction will be granted if the greatest level of post-construction runoff treatment is utilized
- Smaller, non-engineered stormwater systems do not require an engineer or design professional to perform the required annual inspection and maintenance report
- Additional language allowing an area with installed BMP's to be revegetated. The installation of these systems will not affect the Approved Graded Area (AGA) as defined in the proposed Hillside Development Ordinance
- Clarification of language referencing permeable pavement systems

During discussion, Commissioner McCaskill said he believed this ordinance should be considered simultaneously with the proposed Hillside Development Ordinance to ensure compatibility between the two documents. Mayor Pro Tem Nichols asked that the term "Best Management Practices" be more clearly defined and spelled out in the beginning of the document for better clarity. Mayor Taylor said the Council would consider this matter again at their June meeting for possible action at that time.

Proposed 2009-2014 Capital Improvements Program: Mayor Pro Tem Nichols moved to adopt the 2009-2014 Capital Improvements Program. Commissioner McCaskill seconded and the motion carried 5/0.

### **New Business**

Request to Use Public Right-of-Way: Brinkley Melvin, Robin Melvin and Wade Burns, 246 Texas Road Spur: Mr. Currie reviewed a request from Wade Burns, submitted on behalf of Brinkley and Robin Melvin, to construct a mortared natural stone retaining wall within Town right-of-way on Texas Road Spur adjacent to the lot owned by the Melvins. The stated purpose of the wall was to retain and beautify a currently eroding two- to three-foot-high earth bank at the street and to protect the existing specimen mountain magnolia and boxwoods at the streets edge. Mr. Currie stated that the proposed wall would be more permanent in nature than most other structures previously allowed in the public rights-of-way, and that the Board would need to determine whether the request provided a clear public benefit as required by the Zoning

Ordinance and was consistent with prior citizen requests that had been granted. During discussion, Mayor Taylor read the text of Montreat Zoning Ordinance Section 630 aloud for the Council's reference during their deliberations. Commissioner McCaskill stated that if erosion control was needed, other methods were available that did not require construction of a permanent structure in the public right-of-way. He also felt that a wall constructed for aesthetic reasons should be constructed on the homeowner's property. Discussion was also heard concerning the size of the specimen mountain magnolia tree, its ability to be moved and any potential impact construction of the wall would have on the tree's root structure. Mr. Burns stated that building the wall within the property lines would require the removal of the tree. He argued that wall was an attractive structure that would both protect the tree and control erosion, which he claimed would become a problem if no control measures were taken, and that the Planning and Zoning Commission had previously determine that stone walls were appropriate within Town rights-of-way. Commissioner Hollins did not believe that allowing the proposed wall would be detrimental. He stated that staff had confirmed the proposed wall would not impede traffic flow, and that the agreement with the property owners clearly stated it would be removed at the homeowners' expense if the Town deemed this was necessary in the future to accommodate any capital improvement projects in the area. Commissioner Currie asked about any precedence issues associated with granting this request. Mr. Currie stated that the Board had approved similar requests in the past, and that prior Board decisions would be a factor along with the current ordinance language when considering how future requests should be handled. Commissioner Hollins then moved to approve the agreement with Brinkley and Robin Melvin to allow the placement of a stone retaining wall in the public right-of-way along Texas Road Spur and to authorize the Mayor to execute the necessary legal documents. The motion carried 4/1 with Commissioner McCaskill voting in opposition.

Buncombe County Solid Waste Management Plan: Mr. Nalley presented the Buncombe County Solid Waste Plan's executive summary and explained that all municipalities within the County had chosen to participate in this Plan in order to satisfy North Carolina General Statute comprehensive solid waste plan requirements. He stated that the County's plan is updated every three years, and the most recent revisions included Montreat's decision to begin offering our own sanitation services effective July 1, 2006 and to expand the service to include the Conference Center and College. Mayor Pro Tem Nichols moved to adopt Resolution #09-05-0001 Approving the Buncombe County Solid Waste Management Plan. Commissioner Hollins seconded and the motion carried 5/0.

Appalachian Way Paving Project Bid Award: Mayor Pro Tem Nichols moved to award the bid for the Appalachian Way Paving project to C&T Paving, Inc. in the amount of \$127,786.00 and to authorize the Mayor and Town Administrator to execute any necessary related contract documents. Commissioner McCaskill seconded. In response to Commissioner McCaskill's questions, Mr. Nalley advised that negotiations were ongoing with Montreat College concerning the right-of-way along Appalachian Way, and that the paving project's start date would be delayed until those issues were resolved. He also stated that additional legal agreements may be presented to the Council for approval depending on the results of his discussion with College representatives. The motion carried 5/0 after further brief discussion.

Bulk Item Disposal Proposal: 1-800-Got-Junk: Mr. Nalley said staff had been approached by a representative from 1-800-Got-Junk who had asked the Town to consider approving a contract with this company to collect bulk sanitation items on the Town's twice-yearly collection dates. The cost of this service would be about \$1,000 per year higher than what it currently costs the Town to collect these items, but the new proposal would offer in-home collection of service for those residents who may be unable to bring their items to curbside for disposal. 1-800-Got-Junk had also offered a 15% discount to Montreat residents for year-round bulk item collection if the Town agreed to advertise on behalf of the company. Mr. Nalley cautioned that other municipalities had advised that there were legal restrictions on a municipality's ability to advertise on behalf of private companies. He explained that because of this issue in addition to the higher service cost, staff had decided to remove the recommended motion language from the agenda and ask for further direction from the Board. After discussion, the Board agreed by consensus for staff to continue their research to determine an acceptable means for 1-800-Got-Junk to advertise within the Town and provide discounted bulk item collection service to residents.

2009-2010 Budget Presentation: Mr. Nalley presented the proposed 2009-2010 Fiscal Year Budget in the amount of \$1,874,600 and noted no change from the previous year's tax rate of \$0.37 per \$100 of property valuation. He summarized the projected revenues and expenditures for both the General and Water Funds and pointed out several factors influencing the budget, including current national economic conditions, a significant State budget shortfall, funding for capital projects as identified in the Capital Improvements Plan (CIP), fuel and utility cost increases and employee benefit costs. He explained that the "Key Action Items" listed in the Operational Guide section for each department were derived from the goals set forth at the annual Board Retreat and used to determine which projects would be recommended for funding during the next fiscal year. He also pointed out that there was an intentional discrepancy between the expenditure amounts listed on the detail section and those on the summary page for each department due to the method he used to make any necessary cuts in order to balance the budget. In accordance with the 2009-2010 Budget and CIP Preparation calendar, the budget is scheduled for adoption on June 25.

### Public Comment

Mary Standaert asked Town staff to purchase a new United States flag and flag pole for the meeting room.

### Meeting Dates

After discussion, the Council agreed by consensus to hold a special meeting on May 27, 2009 at 4:00 p.m. in the Town Services Office to discuss the proposed Montreat General Ordinance Chapter K, Article IV "Hillside Development." The Council also agreed by consensus to hold a special meeting on June 1, 2009 at 5:00 p.m. in the Town Services Office to discuss the proposed

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2009-2010 Fiscal Year Budget. Mayor Taylor then announced the following upcoming meeting dates:

May Planning & Zoning Commission Meeting: May 21, 2009, 7:00 p.m.,  
Kirk Allen Building

Town Services Office Closed: May 25, 2009  
Memorial Day Holiday

Memorial Day Sanitation Collection Date: Tuesday, May 26, 2009

Agenda Items Due: May 29, 2009  
Town Services Office

Bi-Weekly Sanitation Collection  
Schedule Begins: June 1, 2009

Agenda Packets Available: June 2, 2009  
Town Services Office

June Montreat Landcare Committee Meeting June 2, 2009, 9:00 a.m.,  
Outdoor Education Classroom

June Agenda Meeting: June 4, 2009, 7:00 p.m.,  
Kirk Allen Building

June Town Council Meeting: June 11, 2009, 7:00 p.m.,  
Kirk Allen Building

June Planning & Zoning Commission Meeting: June 18, 2009, 7:00 p.m.,  
Kirk Allen Building

**Adjournment**

There being no further business to discuss, Commissioner Hollins moved to adjourn the Town Council Meeting. Commissioner Tate seconded. The motion carried 5/0 and the meeting was adjourned at 8:55 p.m.

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Letta Jean Taylor, Mayor

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Misty R. Gedlinske, Town Clerk