

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

---

The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on July 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  
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

Approximately 25 members of the public were also present. Mayor Taylor called the meeting to order at 7:02 p.m., led the group in reciting the Pledge of Allegiance and held a moment of silence.

**Agenda Approval**

Mayor Pro Tem Nichols moved to adopt the meeting agenda as presented. Commissioner Standaert seconded and the motion carried 5/0.

**Public Hearing: Proposed Revisions to Montreat General Ordinance  
Chapter J, Article II "Condemnation"**

Mr. Currie said that Montreat's General Ordinances currently provide no clear standards for evaluating the condition of existing structures, procedures for requiring maintenance of existing homes or dilapidated building abatement. At the Board of Commissioners' request, the Planning and Zoning Commission spent several months reviewing this ordinance section to develop minimum housing regulations based on health and life safety issues. As is the practice in many other municipalities, statutory condemnation proceedings language was also included within the same ordinance section. The Planning and Zoning Commission's recommended revisions were presented to the Board of Commissioners in June, and staff was asked to make minor additional revisions to the draft in preparation for this Public Hearing.

Mayor Taylor then opened the Public Hearing on this matter.

Mary Jo Clark of 407 West Virginia Terrace said she did not understand the purpose of requiring a seasonally occupied home to have heating facilities. She was concerned that this requirement may prevent her from using her vacation home after October 1. She also felt that 90 days was not a reasonable deadline for a property owner to complete any repairs or improvements required by the Building Inspector, citing potential weather delays or difficulties coordinating work done to homes jointly owned by multiple parties.

Tom Dimmock of 304 Texas Road stated that the City of Asheville's ordinances only required heating facilities from November 1 through March 31 for homes occupied year-round, which he felt was a more reasonable time frame. He suggested that an exception should be made for property owners who wished to stay in their own unheated homes for brief periods during the fall or winter months, particularly during the Thanksgiving and Christmas holidays. He questioned or objected to several aspects of the proposed ordinance, stating that they were overly strict or unrealistic in their scope. Mr. Dimmock also felt that property owners who primarily reside outside of Montreat should be given a longer time to respond and comply with any notice from the Town concerning the condition of their homes. At the end of his allotted time to speak, Mr. Dimmock stated that he had additional questions and concerns about the proposed ordinance which he had not yet mentioned. Mayor Taylor encouraged Mr. Dimmock to make a list of his concerns about the proposed ordinance and present them to Mr. Currie for individual review.

Robert Bruce Cumming of 339 West Virginia Terrace said he had not been aware of the Public Hearing on this matter until that afternoon. He questioned how the proposed ordinance revisions would affect his family's two properties, one of which was only partially insulated and the other not insulated at all. He also stated that he often preferred to set his heating system at a lower temperature than the 68 degrees mentioned in the draft ordinance in an effort to conserve on fuel.

William Brown of 407 West Virginia Terrace said he was a seasonal resident who had not been aware of the proposed ordinance revisions until recently. He said he would like an explanation of why heating regulations were necessary for seasonally occupied homes, and suggested that the occupancy deadline be extended from October 1 to November 1 to accommodate the fall leaf season. Mr. Brown felt that while the intent of the ordinance was good, the tone of the language was overly rigid in some respects. He also encouraged the Town to find ways to help property owners with more limited financial resources to bring their homes into compliance with desired standards, rather than simply punishing them for non-compliance.

George Massey of 387 West Virginia Terrace said that his was one of the older homes in the community, which he believed would make it more likely than others to be affected by certain aspects of the proposed ordinance. He felt that the ordinance's intent was a positive one, but cautioned that remodeling a home was often a slow and difficult process for which the Town should have patience and be willing to provide volunteer assistance where needed. Mr. Massey was also curious as to which homes in Montreat were in such poor condition that they may have prompted a desire for condemnation proceedings.

Les McLean, owner of property on Salem Drive, said he hoped that the Board would obtain input from Mountain Retreat Association and Montreat College representatives as well as local builders and rental property managers during the consideration of this matter. He was also concerned that it may be unrealistic to expect older, existing homes to comply with certain aspects of the proposed minimum housing code regulations.

Wade Burns of 232 North Carolina Terrace repeated a comment made at the July 6 Assembly Drive Transportation Improvement Plan meeting that Montreat was a place of retreat rather than resort, which he felt was also central to the discussion of this issue. He asked the Board to consider how the effect of this and other ordinances would influence the character of Montreat.

Laney Mobley, a seasonal resident of Alabama Terrace, said she had not learned of the proposed minimum housing code standards until recently. She asked whether notifications would be sent to property owners residing outside of Montreat concerning these regulations and their potential effect.

Bill DuBose of 207 Alabama Terrace also said he had not become aware of this issue until recently. He asked what efforts had been made to contact property owners who primarily reside outside of Montreat.

Mayor Taylor and Town staff explained the statutory legal notice publication requirements followed for all proposed ordinance revisions, and said that information had also been posted in the Town Services Office, Post Office and on the Town's website.

Mayor Pro Tem Nichols encouraged all members of the public to view the website on a regular basis so that they may be aware of current Board actions and issues being considered. He stated that Town Council Meetings were often poorly attended, with the exception of recent regular attendance by Mountain Retreat Association representatives.

Commissioner Currie explained that the request for the Planning and Zoning Commission to develop minimum housing standards was inspired by requests made to the Board of Commissioners by members of the community, and that the Board always welcomed public input and involvement in their proceedings.

Commissioner Standaert assured the public that all of the comments made at this public hearing would be taken into consideration by the Board, and that the proposed minimum housing standards were not ready to be adopted at this time. She explained that this Public Hearing would be the first step in additional review by staff and the Board. She also encouraged the public to attend the Planning and Zoning Commission's meetings as a means of becoming aware of and involved in issues affecting their properties at an earlier point in the review process.

Mr. DuBose said he did not question whether Town staff had complied with the required statutory publication requirements, but rather that he would like the Board to take additional public notification measures beyond those minimum requirements.

Robert Cumming asked where copies of the proposed ordinance revision draft could be obtained. Staff explained that printed copies were available from the Town Services Office, and that the draft would also be posted on the Town's website.

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

### **Communications From the Mayor**

Mayor Taylor reported on the following items:

- The Montreat Conference Center has begun imposing a Community Service Fee of \$1 per night up to a maximum of \$5 to each person attending many of their conferences. These fees will be remitted to the Town at the Conference Center's discretion to help fund the services and infrastructure the Town provides. At last week's meeting, Mountain Retreat Association President Pete Peery presented a check totaling approximately \$9700 as a first payment of these fees. On behalf of the Board, Mayor Taylor expressed her appreciation to the Conference Center for their decision to collect and remit these fees to the Town.
- The 2010 Mayors' Cup Raft Race, hosted by the Land-of-Sky Regional Council will be held at 3:30 p.m. on Sunday, August 15 at French Broad River Park in Asheville.
- Matt Ashley coordinated a well-attended Montreat Gait Walk/Run Event on July 3<sup>rd</sup>. Mayor Taylor praised Mr. Ashley for his efforts, and explained that the Montreat Gait is the only Town-sponsored Independence Day event.
- Equinox Environmental Group held a public input meeting for the Assembly Drive Transportation Improvement Plan on July 6 in the Walkup Building. Many members of the public attended and provided their input, which Equinox will incorporate into additional information to be presented to the Board at their August 12 Town Council Meeting.

### **Review of the Consent Agenda**

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

- May 24, 2010 Special Meeting minutes as amended
- June 3, 2010 Agenda Meeting minutes as amended
- June 10, 2010 Town Council Meeting minutes as presented

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

Mr. Nalley gave updates on the following items:

American Recovery and Reinvestment Act of 2009 Funding Update: Staff recently received confirmation that the Town will receive approximately \$200,000 in additional American

Recovery and Reinvestment Act of 2009 funding to construct and connect two new well sites on Greybeard Trail to the Town's water system. To date, four new well sites, a water line extension project and an automated water metering system have been funded through this Act.

Drought Conditions Advisory: The North Carolina Drought Management Advisory Council issued an advisory that abnormally dry conditions had been reported in 18 counties in Western North Carolina. If Montreat does not receive adequate rainfall over the next few weeks, voluntary water conservation measures may be enacted pursuant to the Town's Water Shortage Response Plan.

Generator Grant Funding: The Town has received a grant totaling approximately \$30,000 from the Federal Emergency Management Agency for the purchase of a generator for the Town Services Office.

Town Administrator's Vacation Dates: Mr. Nalley will be out of the office on vacation during the last two weeks of July.

Public Utility Extensions Request – Lots Above Peace Lane: Matt Schlichenmair, one of two property owners requesting road, water and sewer line extensions to lots located near Peace Lane, said that the engineering firm he was working with had advised that it would be difficult to provide accurate information without knowing the entire potential project scope, specifically whether future road and utility extensions were planned in this area. Mr. Schlichenmair said that while he was willing to provide this information for his own property at his own expense, he felt that the engineering costs for extending services to any of the remaining lots should be shared among the benefitted property owners as part of a public assessment process. Mr. Nalley advised that this matter would be discussed further at the August Town Council Meeting. The Board will be asked in the near future to make a final decision concerning the desired scope of this project. He estimated that, depending on the Board's decision, up to approximately 30 properties could be affected, many of which were owned by the Mountain Retreat Association.

### **Administrative Reports**

Police Chief: Chief McClintock presented and reviewed his monthly departmental activity report for the month of June.

Public Works Department: Mr. Freeman listed the sanitation and recycling disposal tonnages for the month of June and reported on the following additional items:

- A pre-construction meeting for well site construction on Greybeard Trail was held on June 24. Staff recently received project approval confirmation from North Carolina Department of Environment and Natural Resources – Public Water Supply Section. Construction will begin shortly, and is scheduled for completion within 60 days.

- The Harmony Lane well site is now operational and producing an average of 24 gallons of water per minute. This well is being manually operated and monitored until final connections to the Town's SCADA system are completed.
- The Woodland Road drainage improvements and paving project is also underway and will be completed on a 60-day construction schedule.
- C&T Paving has completed the resurfacing of a portion of Tennessee Road, as well as large-scale pothole patching and asphalt repair work throughout the Town. Public Works Department crews will perform smaller-scale patching and curbing repairs over the next few weeks.
- The Providence Terrace water line extension project is underway and progressing well.
- The Town's wells are currently pumping between 12 and 14 hours per day to meet demand. Staff has received several complaints concerning air in the water lines. This is caused by high seasonal demand coupled with dry weather conditions and should improve over the next two weeks. Staff does not expect that the Town will need to purchase supplemental water from the Town of Black Mountain over the remaining summer months.
- June's water loss due to unaccounted usage was 12.3%

Finance Officer: Mr. Stackhouse presented and reviewed the final May 2010 Financial Statement, as well as cash and investments earnings reports for the periods ending May 31, 2010 and June 30, 2010. The preliminary June 2010 Financial Statement is still pending and will be provided as soon as possible.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and inspections report for the month of June. He also reported on the following additional items:

- The Planning and Zoning Commission completed their work on recommended revisions to Montreat General Ordinance Chapter I, Article II "Noise Control," which will be discussed in more detail under New Business.
- The Board of Adjustment did not meet during the month of June.
- The South Carolina Home cellular communications tower is not yet operational due to an issue involving the installation of equipment cabinets that do not fully comply with the terms of the tower's Conditional Use Permit. Staff is working with Towers XX, LLC representative to resolve this matter. AT&T Wireless is currently the only vendor who has agreed to lease antenna space on the tower, although the tower was constructed to accommodate up to six individual carriers. Towers XX, LLC is working with other cellular service providers to encourage them to consider leasing antenna space on the tower.

### **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:

- Montreat resident Rusty Frank will be one of five local authors participating in the Brown Bag Literary Series hosted by the Black Mountain Center for the Arts. Dr. Frank will give a reading from his book “On the Road Home: An American Story” on Friday, July 9 at 12:00 p.m.
- The Institutional Parking Study Committee held their first meeting on June 23 and appointed Emory Underwood to serve as Chair. The Committee will meet on the second Wednesday of each month from 9:00 a.m. until 10:00 a.m. in the Andy Andrews Gallery and hopes to complete their work by the end of the calendar year. Commissioner Standaert asked that the Institutional Parking Study Committee be added to all postings of the official Town meeting schedule.

Commissioner Tate said that the minutes of last Tuesday’s Montreat Landcare Committee meeting had been completed and forwarded to the Council members. The Committee has also been in contact with North Carolina Interfaith Power and Light to obtain more information on the environmental outreach and education programs. In response to Mayor Pro Tem Nichols’ inquiries, Mr. Tuttle stated that the MRA Wilderness and Open Space Committee was working with private property owners near Big Piney Road to provide parking facilities and access to the new trail near Suwannee Drive without encroaching on private property.

### **Public Comment**

Les McLean commented that in his experience, municipalities did not bear the cost of installing improvements to undeveloped property. These costs were instead paid by the developer or otherwise shared between the property owners, with the finished improvements then dedicated to the Town for public maintenance once completed. Mr. McLean also said he felt it would be a more appropriate use of tax revenues to maintain the Town’s existing infrastructure, rather than to fund new service extensions.

Montreat Conference Center Vice President for Youth & Young Adult Ministry Bob Tuttle thanked Town staff for their assistance with recent July 4<sup>th</sup> celebration events.

### **Old Business**

Town of Montreat Senior Water Technician: Mr. Nalley acknowledged the difficulty in creating a Senior Water Technician job description that did not include supervisory authority. He explained that the Public Works Director would continue to be responsible for all job performance evaluations and disciplinary actions for this department. Commissioner Standaert moved to approve the job description for a Senior Water Technician position in the Town of Montreat Public Works Department. Commissioner Currie seconded. During discussion, Commissioner Currie agreed that the proposed job description was the best compromise possible

to create a distinct Senior Water Technician position, but cautioned that it would be incumbent upon Town staff not to allow this position to assume supervisory authority through day-to-day functions. The motion carried 5/0. Mayor Pro Tem Nichols then moved to appoint Barry Creasman to the position of Senior Water Technician in the Town of Montreat Public Works Department effective July 12, 2010. Commissioner Currie seconded and the motion carried 5/0.

Proposed Revisions to Montreat General Ordinance Chapter J – Building Codes, Article II “Condemnation”: Staff will review the comments made during the Public hearing on this matter and incorporate them into an updated ordinance revision draft to be presented at the August Town Council Meeting. At that time, an additional Public Hearing may be called for to discuss the updated draft revisions language if the Board feels that is necessary.

### **New Business**

Proposed Revisions to Montreat General Ordinance Chapter I, Article II “Noise Control”: At the Board of Commissioners’ request, the Planning and Zoning Commission recently re-examined the noise control regulations currently provided in Montreat’s General Ordinances. A suggested revision was prepared which would remove exception language allowing the operation of noise-generating equipment during Daylight Saving Time and replacing it with a year-round deadline of 7:00 p.m. Commissioner Tate moved to call for a Public Hearing on August 12, 2010 at 7:00 p.m. or as soon thereafter as possible to discuss proposed revisions to Montreat General Ordinance Chapter I, Article II “Noise Control.” Commissioner Currie seconded and the motion carried 5/0.

Proposed Revisions to Montreat General Ordinance Chapter I, Article V “Firearms”: Mr. Nalley explained that regulations prohibiting the discharge of a firearm was currently listed only briefly under the Town’s noise regulations, which is insufficient for prosecution as a misdemeanor. He presented and reviewed proposed ordinance revisions which would accomplish the following:

- Cite relevant North Carolina General Statute language which enables the Town to legislate the discharge of firearms within municipal corporate limits
- Clearly define the categories of firearms and other devices to which the ordinance would apply
- Grant Montreat Police Officers the authority to seize any firearms or other regulated device if discharged in violation of this ordinance section
- Regulate the discharge of firearms and other devices within Town limits as part of Montreat General Ordinance Chapter I – Disorderly Conduct.

Mr. Nalley noted that some municipalities choose to prohibit the discharge of traditional firearms as well as weapons and other devices using air-propelled ammunition, such as BB guns, within their corporate limits. Exceptions are sometimes made for Boy Scouts of America troop activities involving firearm safety education. After brief discussion, the Board agreed by consensus for staff to include language addressing BB guns, pellet guns and other devices using air-propelled ammunition within the proposed ordinance text. Mayor Pro Tem Nichols then

moved to call for a Public Hearing on August 12, 2010 at 7:10 p.m. or as soon thereafter as possible to discuss proposed revisions to Montreat General Ordinance Chapter I, Article V “Firearms.” Commissioner Currie seconded and the motion carried 5/0.

### Public Comment

A member of the public asked what the procedure was to address written comments to the Council from individuals who were not able to physically attend a Public Hearing or Town Council Meeting. He also asked whether any written comments submitted to the Board would be read aloud. Mrs. Gedlinske explained that written comments could be submitted for inclusion in the Board’s agenda packets by close of business on the Friday before the Agenda Meeting. The written comments may include a specific request that they be read aloud during the appropriate portion of the meeting.

### Meeting Dates

Mayor Taylor announced the following upcoming meeting dates:

<u>July Institutional Parking Study Committee Meeting:</u>	July 14, 2010, 9:00 a.m., Andy Andrews Gallery
<u>July Planning and Zoning Commission Meeting:</u>	July 15, 2010, 7:00 p.m., Walkup Building
<u>Agenda Items Due:</u>	July 30, 2010, 4:30 p.m., Town Services Office
<u>August Montreat Landcare Committee Meeting:</u>	August 3, 2010, 9:30 a.m., Outdoor Education Classroom
<u>Agenda Packets Available:</u>	August 3, 2010 Town Services Office
<u>August Agenda Meeting:</u>	August 5, 2010, 7:00 p.m., Walkup Building
<u>August Institutional Parking Study Committee Meeting:</u>	August 11, 2010, 9:00 a.m., Andy Andrews Gallery
<u>August Town Council Meeting:</u>	August 12, 2010, 7:00 p.m., Walkup Building
<u>August Planning and Zoning Commission Meeting:</u>	August 17, 2010, 7:00 p.m., Walkup Building

**Adjournment**

There being no further business to discuss, Commissioner Currie moved to adjourn the Town Council Meeting. Commissioner McCaskill seconded. The motion carried 5/0 and the meeting was adjourned at 8:29 p.m.

---

Letta Jean Taylor, Mayor

---

Misty R. Gedlinske, Town Clerk