

**Town of Montreat  
Board of Commissioners  
Town Council Meeting  
July 9, 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 July 9, 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, Commissioner Jack McCaskill and Commissioner O'Neil Tate. Commissioner Ruth Currie arrived at 7:03 p.m. Representing Town Staff were Town Administrator Ron Nalley, Public Works Director Charlie Caldwell, Town Clerk Misty R. Gedlinske, Chief of Police William B. McClintock, Finance Officer Stefan Stackhouse and Building Inspector/Code Administrator David Currie. Ten 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 noted changes to the proposed meeting agenda as follows:

- New Business Item C:           Open Space Conservation Committee resignations and appointments
- New Business Item D:           Resolution #09-07-0001 Supporting the Preservation of Asheville Transit Route 28 and Mountain Mobility's Black Mountain Trailblazer Community Bus Service
- New Business Item E:           Resolution #09-07-0002 Supporting the Submittal of a Proposal to the Rivers, Trails and Conservation Assistance Program (RTCA) of the National Park Service

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

**Public Hearing: Proposed Montreat General Ordinance  
Chapter D, Article IV "Street Standards"**

Mayor Taylor opened the public hearing on this matter. Wade Burns advocated allowing narrower paving in certain places to preserve the Town's character. He also stated that narrow roads helped slow vehicular traffic and improved pedestrian safety. Mayor Taylor said the minimum road width set forth in the proposed ordinance was based on the North Carolina Powell Bill minimum average road width requirement. Mr. Nalley explained that Powell Bill funds were derived from State gasoline tax allocations and were used toward offsetting the Town's street paving and maintenance costs. He stated that as older roads were repaved, staff routinely made efforts to widen the sections of those roads where necessary to maintain this standard. He also cautioned that the Town would be required to refund any Powell Bill monies received for roads that were listed in the annual Powell Bill report that were found not to meet the minimum average width standard. Mr. Burns suggested that a 12'-wide road would be easier and less

expensive to pave. He also wondered if it may be possible to request a revision to the North Carolina Powell Bill requirement that would allow a width exemption for historic roads. Hearing no further comments, Mayor Taylor then closed the public hearing.

### **Communications From the Mayor**

4<sup>th</sup> of July Celebration Events: Mayor Taylor thanked the Public Works and Police Departments for assistance during the recent 4<sup>th</sup> of July festivities.

Buncombe County Board of Commissioners Visit: Mayor Taylor asked for possible topics for discussion with the Buncombe County Board of Commissioners during their visit at the August Town Council Meeting. The Commissioners made the following suggestions:

- Possible date of rescheduled property tax revaluation
- Status of County hillside development regulations
- American Recovery and Reinvestment Act of 2009 funding opportunities
- Animal control issues
- Annexation
- Montreat Landcare Committee and Open Space Conservation Committee projects and initiatives
- Buncombe County Greenways Commission's design plan for the trail connection between Black Mountain and Azalea Park

Mr. Nalley said staff would also forward a copy of the goals and objectives adopted at this year's Board Retreat for the County Commissioners' review.

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

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

- May 27, 2009 Special Meeting Minutes
- June 1, 2009 Special Meeting Minutes
- June 4, 2009 Agenda Meeting Minutes
- June 11, 2009 Town Council Meeting Minutes

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

American Recovery and Reinvestment Act of 2009 Funding Update: Mr. Nalley advised that staff was awaiting formal approval for approximately \$200,000 in funding through the Carolina Department of Transportation toward the cost of the Texas Road bridge replacement project. Staff planned to participate the following week in a webinar to receive implementation instructions for these funds. A site visit with NCDOT representatives to the bridge site was also

planned to discuss the reasons for the bridge's closure and possible relocation. Mr. Nalley also said the Town was still eligible for funding for an automated water meter reading system. He encouraged the Board to notify him with any suggestions for additional funding sources the Town may be interested in applying for.

Real Property Purchase Update: Mr. Nalley said the Town had been working with Montreat College to negotiate the purchase of the hillside lot near the Montreat Gate as part of the Open Space Conservation Program. He explained that title research had shown that the parcel had been jointly owned by two parties prior to its transfer to the College. It was not fully clear whether one of those parties had transferred his ownership interest either to the College or to the other party upon his death. He said the Board would need to decide whether more extensive title research was necessary, and whether they were willing to move forward with the lot purchase at the price currently being discussed knowing that there may be a remote possibility of a future claim to a shared interest in the property. Mr. Nalley will forward a letter from the Town Attorney explaining this issue in more detail to the Board members and to Montreat College President Dan Struble for their review.

Woodland Road Design Review Meeting Update: Mr. Nalley reported that preliminary paving plans for Woodland Road were presented for initial public, staff and Board review at last week's neighborhood meeting. He pointed out that the paving plan had not been adopted and that a start date for the project had not been set. Due to some of the concerns raised both at that meeting and in e-mails and other correspondence received afterward, Mr. Nalley suggested that staff work with McGill Associates to prepare a revised paving plan incorporating some of the suggestions heard for presentation at a second neighborhood meeting. During discussion, Commissioner Currie suggested looking at options to begin the new paving at a point along the road that will not affect the Marshall property. Mayor Pro Tem Nichols stated that the Marshall house had been built partially within the setback area of the property and was therefore closer than usual to the traveled portion of the roadway. He agreed that the Town should consider any paving design options that would not move the road any closer than necessary toward the entrance to the Marshalls' home. Commissioner Currie asked whether Woodland Road could be removed from the Town's list of Powell Bill streets. Mr. Nalley said he would strongly recommend not removing any streets from the Powell Bill list that had previously been included, but said the Town could choose not to add a newly constructed street to that list. He also noted that there were also certain safety and drainage concerns that would need to be addressed separate from the pavement width issue.

Buncombe County Property Tax Revaluation Update: Mr. Nalley advised that the Buncombe County Board of Commissioners had agreed not to perform property tax revaluations in 2010 as previously scheduled. He said it was not known at this time how long this process would be delayed.

Revised Metropolitan Sewerage District Use Ordinance Update: Mr. Nalley stated that any comments on the Metropolitan Sewerage District's revised Sewer Use Ordinance were due in their office no later than August 3. A summary of the proposed revisions was included in the

agenda packet, and a full copy of the ordinance text is available in the Town Service Office or online at [www.msdbc.org](http://www.msdbc.org).

Town Administrator Vacation Dates: Mr. Nalley announced the dates of his upcoming vacation leave.

### **Administrative Reports**

Police Chief: Chief McClintock presented and reviewed his departmental activity report for the month of June and noted that several more residential break-ins had been discovered throughout the Town.

Public Works Director: Mr. Caldwell reported that 60 cubic yards had been collected during the summer bulk item collection day earlier that week. He also said that the Town had not needed to purchase any water this summer from the Town of Black Mountain, and that there were fewer complaints about air in the water supply due to public conservation efforts and recent rainfall.

Finance Officer: Mr. Stackhouse presented and reviewed the final May and preliminary June 2009 Financial Statements.

Bryan Leak Adjustment Appeal: Mr. Stackhouse advised that Dr. and Mrs. James and Elizabeth Bryan had previously been granted a leak adjustment within the last twelve months under current Town policy and were now appealing to the Board to grant an additional adjustment request. Commissioner Currie noted that the Bryans were not present to give their own explanation of the circumstances surrounding the water leak and what steps they had taken to resolve the matter. Mr. Stackhouse explained that the Bryans had been notified of the meeting date at which their appeal would be heard and were invited to attend but were not told that their presence was mandatory in order for their request to be granted. Commissioner Currie also referred to a past leak occurrence at her own property during which the Town turned the water service off at the meter and called to notify her of the problem. She asked if this was done for all customers as a matter of policy. Mr. Nalley confirmed that Town policy was to notify all water users if any leaks or unusually high usage amounts are discovered during the monthly meter reading process and to turn the water service off if the property is vacant. Commissioner Hollins referred to past years' records and noted that there had been several other instances of high usage amounts and previous leak adjustments to the billing account. Mayor Pro Tem Nichols felt strongly that all property owners were responsible for their water use and for finding and repairing any leaks or other problems with their plumbing systems. He also believed that granting repeated leak adjustments would not encourage property owners to take responsibility for these types of problems. Commissioner Hollins agreed. Mayor Pro Tem Nichols then moved to deny the Bryans' water bill adjustment appeal. Commissioner Hollins seconded. Commissioner Currie then moved to amend the motion to direct staff to send written notification of the Board's decision to the Bryans, and to include within that letter statements that their leak was a seasonal occurrence, that the water is turned off at the meter when excessive usage is noted and that the property owner was encouraged to seek every possible remedy for the leak. Mayor Pro Tem

Nichols seconded the motion amendment. The motion to approve the amendment carried 5/0. The motion to deny the water billing adjustment appeal also carried 5/0.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed his departmental activity report for the month of June. He also reported that the Planning and Zoning Commission had continued their consideration of revisions to off-street parking regulations, and had completed their recommended revisions to the Subdivision Ordinance to allow conservation design options as an alternative to traditional development.

### **Commissioner Reports**

Mayor Pro Tem Nichols had no report at this time.

Commissioner Currie had no report at this time.

Commissioner Hollins reported that the Local Government Commission had approved the Town's audit services contract with Johnson, Price & Sprinkle, P.A.

Commissioner McCaskill had no report at this time.

Commissioner Tate reported that the Montreat Landcare Committee had participated in that day's Environment and Faith Conference at Assembly Inn, followed by a tour of the Native Plant Garden site. He also said the minutes of the Committee's previous meeting had been completed and forwarded to the Board.

### **Public Comment**

John Neville said he was speaking on behalf of Henry Copeland to convey Mr. Copeland's concerns about the Woodland Road paving project. He said Mr. Copeland had suggested either starting the new, wider pavement area at the end of the present paved portion of the road or converting Woodland Road to one-way traffic only in order to lessen the impact on the Marshall property. On his own behalf, Mr. Neville also offered to allow the Town to move the boundary of the road closer to his property in order to avoid impacting the Marshall property without significant changes to the proposed road design.

Martha Neville asked if the Board was aware of exactly how close the paved roadway would be to the front of the Marshall home. Mr. Nalley said there had been some confusion about this issue and explained that the road edge would be about three feet closer to the front of the Marshall home if the road were paved according to the preliminary plan.

Martha Louise Neville said had been told that the edge of the Woodland Road paving area would be about five feet closer to the Marshall's property and asked that an exact measurement be confirmed. She agreed with Mr. Burns' previous comments that narrow, unpaved roads fostered caution and said many residents in the area were concerned about potential safety issues caused

by increased traffic volume and higher vehicle speed if Woodland Road were paved. She also suggested the use of speed bumps instead of traffic islands to control speed, claiming that traffic islands had caused accidents and visibility limitations in other areas.

### **Old Business**

Proposed Montreat General Ordinance Chapter D, Article IV “Street Standards”: Mr. Nalley noted that the recommended ordinance language had been revised to reflect the comments and suggestions made at the June 29 Special Meeting. He said staff would be willing to further revise any section of the ordinance the Board was not happy with or felt needed additional research. Commissioner Currie asked whether the proposed ordinance would grant the Board the discretion not to construct a new street to Powell Bill standards. Mr. Nalley advised that the ordinance would establish formal construction standards which all new streets would be required to meet. He also pointed out that any future repairs to existing streets would be made according to this ordinance. After further brief discussion, Commissioner Tate moved to adopt Ordinance #09-07-0001 Amending Montreat General Ordinance Chapter D, Article IV “Street Standards.” Commissioner Hollins seconded and the motion carried 5/0. A copy of this Ordinance is attached to these minutes and incorporated herein by reference.

### **New Business**

Updated Municipal Records Retention and Disposition Schedule: Commissioner Currie moved to adopt the updated North Carolina Municipal Records Retention and Disposition Schedule dated May 19, 2009. Mayor Pro Tem Nichols seconded and the motion carried 5/0.

Proposed Revisions to Town of Montreat Subdivision Ordinance: Mr. Currie advised that the Planning and Zoning Commission had prepared a recommendation for revisions to the Subdivision Ordinance to include conservation subdivision design options. He stated that the decision to forward the proposed revision text to the Board was not unanimous and pointed out the following areas where further consideration may be needed:

- The proposed five-acre minimum parcel size threshold may be too large due to the possibility of many smaller, multi-acre parcels being developed.
- The issue of how to permanently maintain conservation space through a durable legal entity without invoking a Homeowner’s Association or obligating the Town to accept responsibility for all created conservation areas was not fully resolved.

Mr. Currie said that in light of these concerns, staff was requesting further direction from the Board and did not recommend taking any action on this matter at this time. After discussion, the Board agreed by consensus to review the proposed revisions for further discussion at next month’s meeting.

Open Space Conservation Committee Resignation and Appointment: Commissioner Currie moved to accept Joe Standaert's resignation from the Open Space Conservation Committee and appoint John Johnson to the Committee. Commissioner Hollins seconded and the motion carried 5/0.

Resolution Supporting the Preservation of Asheville Transit Route 28 and Mountain Mobility's Black Mountain Trailblazer Community Bus Service: Mayor Pro Tem Nichols moved to adopt Resolution #09-07-0001 Supporting the Preservation of Asheville Transit Route 28 and Mountain Mobility's Black Mountain Trailblazer Community Bus Service. Commissioner Tate seconded and the motion carried 5/0. A copy of this Resolution is attached to these minutes and hereby incorporated by reference.

Resolution Supporting the Submittal of a Proposal to the Rivers, Trails and Conservation Assistance Program (RTCA) of the National Park Service: Commissioner Hollins moved to adopt Resolution #09-07-0002 Supporting the Submittal of a Proposal to the Rivers, Trails and Conservation Assistance Program (RTCA) of the National Park Service. Commissioner McCaskill seconded and the motion carried 5/0. A copy of this Resolution is attached to these minutes and hereby incorporated by reference.

### Public Comment

There were no comments from the public at this time.

### Meeting Dates

Mayor Taylor announced the following upcoming meeting dates:

July Planning & Zoning Commission Meeting: July 16, 2009, 7:00 p.m.,  
Kirk Allen Building

Agenda Items Due: July 31, 2009, 4:30 p.m.,  
Town Services Office

Agenda Packets Available: August 4, 2009

August Montreat Landcare Committee Meeting: August 4, 9:00 a.m.,  
Outdoor Education Classroom

August Agenda Meeting: August 6, 2009, 7:00 p.m.,  
Kirk Allen Building

August Town Council Meeting: August 13, 2009, 7:00 p.m.,  
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August Planning and Zoning Commission Meeting:

August 20, 2009, 7:00 p.m.,  
Kirk Allen Building

August Board of Adjustment Meeting (tentative):

August 27, 2009, 7:00 p.m.,  
Kirk Allen Building

**Adjournment**

There being no further business to discuss, Mayor Pro Tem Nichols moved to adjourn the Town Council Meeting. Commissioner Tate seconded. The motion carried 5/0 and the meeting was adjourned at 8:30 p.m.

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Letta Jean Taylor, Mayor

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Misty R. Gedlinske, Town Clerk