

**Town of Montreat
Board of Commissioners
Town Council Meeting
July 10, 2008 – 7:00 p.m.
Kirk Allen Building**

The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on July 10, 2008 at 7:00 p.m. in the Kirk Allen Building. Present among the Board were Mayor Letta Jean Taylor, Commissioner Ruth Currie, Commissioner Jack McCaskill and Commissioner O’Neil Tate. Commissioner Bill Hollins arrived at 7:05 p.m. Mayor Pro Tem Eric Nichols arrived at 7:30 p.m. Representing Town Staff were Town Administrator Ron Nalley, Chief of Police William B. McClintock, Town Clerk Misty R. Gedlinske and Finance Officer Stefan Stackhouse. 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 add a presentation from John L. Currie after the public hearing. Commissioner Hollins moved to adopt the meeting agenda as amended. Commissioner Tate seconded and the motion carried 5/0.

Public Hearing - Proposed Revisions to the Montreat Board of Commissioners Rules and Procedures, Montreat General Ordinances, Montreat Zoning Ordinance, Ordinance Regulating Wireless Communication Technology, and Ordinance Regulating the Construction and Financing of Public Improvements in Order to Adopt a Fee Schedule for the Town of Montreat

Mayor Taylor opened the public hearing on this matter and explained that the proposed revisions would remove references to specific fee amounts from the Ordinances and allow them to be set forth in a separately adopted fee schedule. Hearing no comments from the public, she then closed the public hearing.

Presentation to Council: John L. Currie, “Take a Hike” Performance

John L. Currie explained the procedure and program order for the Board’s performance of a song called “Waltz Around Taxes With You” in the “Take a Hike” musical at 7:00 p.m. on Saturday, July 12, 2008 in Anderson Auditorium.

Communications From The Mayor

Mayor Taylor presented copies of the executive summary of “Mountain Ridge and Steep Slope Protection Strategies” prepared by Land-of-Sky Regional Council’s Mountain Ridge and Steep Slope Protection Advisory Committee with grant funding from the Z. Smith Reynolds Foundation. She advised that entire document was available online at www.landofsky.org. Mayor Taylor also announced the proposed date of the upcoming Mayor’s Cup Raft Race and asked the Council and staff to consider possible participants. She noted that the race could potentially be cancelled due to low water levels in the French Broad River caused by persistent drought conditions.

Review of the Consent Agenda

Mr. Nalley stated that with the adoption of the Consent Agenda, the Board had approved the minutes of the June 5, 2008 Agenda Meeting, June 10, 2008 Budget Workshop and June 12, 2008 Town Council Meeting.

Communications from the Town Administrator

Broadband Development Initiative Donation Request - Action Audits, LLC: Mr. Nalley presented copies of a letter from Action Audits, LLC President Robert Sepe requesting a contribution of at least \$500 for action by his company against any future State legislation that would prevent municipalities from building their own broadband access networks. During discussion, Commissioner Currie asked how Montreat was affected by Asheville's broadband access initiative. Mr. Nalley agreed to research Asheville's program and forward his findings to the Council for their review.

Request to Close or Exchange Public Right-of-Way – Robert Sulaski, Chapman Road: Mr. Nalley presented a letter from Robert Sulaski explaining that the Offer of Dedication by Montreat College and Longmeadow Homes, LLC affecting certain areas of right-of-way along Chapman Road inadvertently included a section extending west along the property line of the Andelk property adjacent to Rainbow Trail. He referred to a survey map of the Andelk property and indicated that the right-of-way bordering Lot 30 and Lots M-2 through M-7 had not been intended to be returned to the Town. Mr. Nalley explained that Mr. Sulaski requested that Council either close the right-of-way from the corner of the Suddeth property to the western edge of the Andelk property or exchange this area for a 9' wide driveway on Rainbow Trail. Mr. Sulaski felt that the Town would benefit from the requested closure or exchange in that it would preserve the natural vegetation surrounding the subdivision and prevent the installation of a large roadway that would interfere with Rainbow Trail. During discussion, Commissioner McCaskill and Mayor Pro Tem Nichols requested more information and a more detailed survey indicating how the proposed closure or exchange would affect the Suddeth property and the Chapman Road subdivision as a whole. Mr. Sulaski referred to the subdivision's preliminary plat and explained that the right-of-way in question ran directly through Mr. Suddeth's property and said that Mr. Suddeth would like to limit the amount of disturbance needed to provide street access in this area. He also offered to review options for a smaller roadway and reduced right-of-way in this area and to submit a plan for review at the August Town Council meeting. The Board agreed by consensus.

Montreat Springs Update: Mr. Nalley reported although staff had met briefly with the developer to review a preliminary sketch plan for the project, a voluntary annexation petition for the "Montreat Springs" subdivision located just outside the Montreat Gate had not yet been received. He noted that some positive aspects of allowing this development to be annexed into Montreat included expansion of the tax base, the potential for additional well sites and applicability of Montreat's Zoning and Subdivision Ordinances over the entire property. In response to Commissioner Currie's inquiry, Mr. Nalley stated that while the Town could not prohibit the use

of “Montreat” in the subdivision’s title, the Montreat Conference Center was reviewing the possibility of a trademark violation.

Town Administrator’s Vacation Dates: Mr. Nalley reminded the Council that he would be out of the office on vacation during the week of July 21 – 25, 2008.

Cell Tower Update: Mr. Nalley also advised that he and Mayor Taylor had been asked to meet with representatives from a cellular tower company that was interested in locating a cellular monopole on Town property near the water tank on Appalachian Way. He stated he would keep the Council advised of any further communications or developments concerning this matter.

Administrative Reports

Police Chief: Chief McClintock gave his Police Department activity report for the month of June and also estimated that approximately 6,000 people attended the 4th of July Parade.

Public Works Director: In Mr. Caldwell’s absence, Mr. Nalley reported that voluntary water conservation measures were still in effect, and noted that although demand had not increased since 1997, the Town had needed to increase well pumping by 20-30% to achieve the same level of output. He also noted that the July bulk item collection was completed that day, and said he suspected that some items had been brought from outside Montreat and left here for disposal. Commissioner Currie commented on yard debris that had accumulated in certain areas, as well as a portion of a tree on Virginia Road that needed to be disposed of. Mr. Nalley said that Public Works Department crews were still trying to complete debris removal from recent storm in addition to the large amounts of yard waste placed out for collection by seasonal residents during these days leading up to the Independence Day holiday.

Finance Officer: Mr. Stackhouse presented and reviewed the final May 2008 and preliminary June 2008 Financial Reports. There were no comments or questions from the Council at this time.

Building Inspector/Code Administrator: In Mr. Currie’s absence, Mr. Nalley presented the zoning activity and building inspections report for the month of June. He also advised that the Planning and Zoning Commission was continuing their work on a draft steep slope development ordinance that would be presented to the Council in either August or September.

Commissioner Reports

Mayor Pro Tem Nichols reported on the Black Mountain Center for the Arts’ recent “Art in Bloom” garden tour and art show featuring Montreat artist Cheryl Keefer. He also mentioned their “Upbeat” concert series of local and regional artists held at 7:30 p.m. on the fourth Friday of the month throughout the summer, as well as an upcoming golf tournament fundraising event on September 23, 2008.

Mayor Pro Tem Nichols then presented a list prepared by the Revenue Source Committee of three recommendations of options for alternate revenue sources, including increased building fees for new construction and renovation projects, vehicles stickers and stormwater fees. He said that the Committee was strongly in favor of these suggestions as ways to reduce property taxes and fund additional capital needs through an emphasis on user-based fees. Commissioner Currie asked that the Committee consider imposing vehicle sticker fees for cars entering Montreat for the 4th of July Parade events. Mr. Stackhouse cautioned that vehicle sticker fees may require enactment of a local bill by the State legislature and said that more research was needed to confirm this. He also noted that in order to completely fund the Town's building inspection and code enforcement expenses, fees for these services would need to be increased nearly 100%.

In response to Commissioner Currie's questions about how to proceed, Mr. Nalley advised that a fee schedule proposal with significant changes to certain permitting and inspection-related fees would be presented to the Council at their August meeting, though he cautioned that staff did not plan on recommending a 100% increase at this point. He also said that the Planning and Zoning Commission would begin their review of stormwater regulations for properties less than one acre in size once they completed their work on a draft steep slope development ordinance.

Commissioner Currie reported that she had made a personal contribution on behalf of the Town to the "Take a Hike" performance sponsorship as a means of advertising the Town of Montreat Open Space Conservation Fund. She also gave research done by a private citizen as to whether gravel trucks were required to place covers over their cargo areas to Chief McClintock for his review. Commissioner Currie then asked whether horseback riding on public streets was regulated by Town ordinance. Mr. Nalley responded that while horses could not be kept within Town limits he was not aware of any prohibition against horseback riding on public trails or roadways.

Commissioner Hollins had no report at this time.

Commissioner McCaskill had no report at this time.

Commissioner Tate reported that the Parks and Recreation Committee did not meet in July, and said that some Committee members as well as Montreat Trail Club members marched in the 4th of July Parade.

Public Comment

Elliott Hester praised Public Works Department crews for their street cleaning efforts throughout the Town. He also felt that the Town should be concerned about future water supply demands created by increased development.

Old Business

Proposed Revisions to the Montreat Board of Commissioners Rules and Procedures, Montreat General Ordinances, Montreat Zoning Ordinance, Ordinance Regulating Wireless Communication Technology, and Ordinance Regulating the Construction and Financing of Public Improvements in Order to Adopt a Fee Schedule for the Town of Montreat: Mr. Nalley asked the Council to postpone adoption of an Ordinance to Amend the Montreat Board of Commissioners Rules and Procedures, Montreat General Ordinances, Montreat Zoning Ordinance, Ordinance Regulating Wireless Communication Technology, and Ordinance Regulating the Construction and Financing of Public Improvements in Order to Adopt a Fee Schedule for the Town of Montreat until the August Town Council Meeting. He advised that it would be more appropriate to adopt the ordinance changes which removed specific fee references at the same time a fee schedule was established. He also said that staff recommended holding a public hearing on the proposed 2008-2009 Fee Schedule in order to allow the public an opportunity to review and make any comments prior to its adoption. Mr. Nalley further explained that most other municipalities who adopt a fee schedule initially do so by ordinance as part of the annual budget process, and that any future revisions would be presented for adoption along with the annual budget ordinance for that fiscal year.

Request to Close Portions of Salem Drive and Peace Lane Right-of-Way: Mr. Nalley presented a Resolution of Intent prepared by staff declaring Council's intent to consider closing and exchanging portions of right-of-way along Salem Drive and scheduling a public hearing at the August Town Council meeting. He referred to a letter and copies of a survey from Gayden "Sissy" Jones detailing the reasons for her request and the specific portions of right-of-way for consideration. He also noted that the same amount of square footage of right-of-way requested for closure would be regained in the areas to be exchanged. After brief discussion, Mayor Pro Tem Nichols moved to adopt Resolution #08-07-0001 of Intent to Consider Closing Portions of Right-of-Way Known as Salem Drive and Directing Notice of Public Hearing on August 14, 2008 at 7:00 p.m. or as soon thereafter as possible. Commissioner Hollins seconded and the motion carried 5/0.

New Business

Request to Use Public Right-of-Way: Robert Sulaski, Chapman Road: Mr. Nalley reported that the Town received a request from Robert Sulaski to locate the storm water system and retaining wall within the public right way as part of the subdivision development by Longmeadow Homes on Chapman Road. He noted that both the retaining wall and storm water system were approved by the Planning and Zoning Commission as part of the initial preliminary plan review process on November 17, 2007 and as revised on June 19, 2008, and said that staff had reviewed both agreements and supported the storm water system and retaining wall's location. Mr. Nalley continued by stating that Mr. Sulaski would like the retaining wall agreement modified from the standard language used in other similar circumstances to remove paragraph seven which stated that "if the Town elects to widen the public street in the right-of-way or determines that the retaining wall does not produce a public benefit, that Longmeadow and the lot owners shall,

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upon request by the Town, remove the retaining wall and any other improvements which will interfere with the Town's right-of-way" and that the Town shall bear no cost for the removal of any improvements. He explained that this request was made because the Town's ordinances required the construction of the retaining wall to meet the 2:1 slope requirements and that the wall be built to certain standards. He noted that staff could not imagine a scenario where the Town would want Longmeadow or the lot owners to remove the retaining wall, and recommended an amendment to this section to revise or remove this provision.

Commissioner Currie asked whether the removal of this provision would eliminate Longmeadow's obligation to repair and maintain the retaining wall in perpetuity. Mr. Nalley replied that this requirement was set forth in an earlier section of the retaining wall agreement. Commissioner McCaskill then moved to approve the agreements that authorize Longmeadow Homes, LLC to construct a stacked stone retaining wall and underground storm water retention system in the public right-of-way and to authorize the Mayor to execute the necessary legal documents. Mayor Pro Tem Nichols seconded.

Mr. Nalley asked whether the Council wish to make any revisions to paragraph seven of the retaining wall agreement. Discussion was then heard concerning how this section could be re-written and whether a review by legal council was needed before approval of a revised agreement. Commissioner Currie asked if there was any negative effect in leaving the language as written if no plans would ever be made to remove the retaining wall. Mayor Pro Tem Nichols asked Mr. Sulaski to state his specific concerns about the agreement language. Mr. Sulaski replied that he did not feel the removal language was reasonable in that the Town had originally required him to build the wall to meet specific standards as part of the subdivision's preliminary plat approval process. He also cited public safety concerns that could arise if the wall were ever removed and said he wanted to avoid the possibility of a future Board action to that effect.

After further discussion, Commissioner McCaskill moved to revise the retaining wall agreement to remove the language of paragraph seven in its entirety. Mayor Pro Tem Nichols seconded and the motion carried 5/0. Commissioner McCaskill then moved to approve the agreements that authorize Longmeadow Homes, LLC to construct a stacked stone retaining wall and underground storm water retention system in the public right-of-way as amended and to authorize the Mayor to execute the necessary legal documents. Mayor Pro Tem Nichols seconded and the motion carried 5/0.

2008-2009 Fee Schedule: Mayor Pro Tem Nichols moved to call for a Public Hearing on August 14, 2008 at 7:00 p.m. or as soon thereafter as possible to discuss the proposed 2008-2009 Fee Schedule for the Town of Montreat. Commissioner Tate seconded and the motion carried 5/0.

Public Comment

There were no comments from the public at this time.

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Meeting Dates

Mayor Taylor announced the following upcoming meeting dates:

<u>July Planning & Zoning Commission Meeting:</u>	July 17, 2008, 7:00 p.m., Kirk Allen Building
<u>Revenue Source Committee Meeting:</u>	July 18, 2008, 4:30 p.m., Town Services office
<u>Agenda Items Due:</u>	August 1, 2008, 4:30 p.m., Town Services Office
<u>August Parks and Recreation Committee Meeting:</u>	August 5, 2008, 9:00 a.m., Andy Andrews Gallery
<u>Agenda Packets Available</u>	August 5, 2008 Town Services Office
<u>August Agenda Meeting:</u>	August 7, 2008, 7:00 p.m., Kirk Allen Building
<u>August Town Council Meeting:</u>	August 14, 2008, 7:00 p.m., Kirk Allen Building
<u>August Planning & Zoning Commission Meeting:</u>	August 21, 2008, 7:00 p.m., Kirk Allen Building

Commissioner Currie asked about Mr. Nalley's letter of response to Erskine Clarke. Mr. Nalley gave copies of his draft letter to the Council members, asked them to review it, and said he would mail the letter the following day if no revisions were requested.

Adjournment

There being no further business to discuss, Mayor Pro Tem Nichols moved to adjourn the Town Council Meeting. Commissioner McCaskill seconded. The motion carried 5/0 and the meeting was adjourned at 8:45 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk