

**Town of Montreat
Board of Commissioners
Agenda Meeting
August 6, 2009 – 7:00 p.m.
Kirk Allen Building**

The Montreat Board of Commissioners held their regularly scheduled Agenda Meeting on August 6, 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 Ruth Currie, Commissioner Jack McCaskill and Commissioner O'Neil Tate. Commissioner Bill Hollins arrived at 7:05 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. 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

Commissioner McCaskill moved to adopt the meeting agenda as presented. Mayor Pro Tem Nichols seconded and the motion carried 4/0.

Presentation to Council – Buncombe County Board of Commissioners

Mayor Taylor said the Buncombe County Board of Commissioners would attend next week's Town Council Meeting to report on current events at the County level and hear any concerns from the Town.

Communications From the Mayor

North Carolina State Budget Issues: Mayor Taylor reported that the recently adopted North Carolina State Budget imposed a one-cent sales tax increase and reduced the municipal share of beer and wine tax revenues by two-thirds for the 2009-2010 fiscal year. Mr. Nalley said that Montreat's share of beer and wine tax revenues was typically about \$3,200.

Review of the Consent Agenda

Mayor Taylor summarized the items listed on the Consent Agenda, which included the following:

- June 25, 2009 Special Meeting
- June 29, 2009 Special Meeting
- July 2, 2009 Agenda Meeting
- July 9, 2009 Town Council Meeting

Communications From the Town Administrator

American Recovery and Reinvestment Act of 2009 Funding Update: Mr. Nalley advised that the Town had received some funding from the State of North Carolina for the Greybeard Trail and

Harmony Lane well site projects, and was eligible for \$200,000 from the North Carolina Department of Transportation's State Transportation Plan Distribution Fund toward the cost of the Texas Road bridge replacement project. He said that although Town had not yet been awarded any funding for the automated water meter reading system, he would keep them advised if any new funding sources for this project became available.

Real Property Purchase Update: Mr. Nalley reported that the Town Attorney had requested an Executor's Report from the Greenville County, SC Courthouse in an effort to clarify whether full ownership interest of the hillside lot near the Montreat Gate was transferred to Montreat College. Discussion was heard as to whether the Town's offer of purchase should be renegotiated in the event clear title to the property could not be obtained. Commissioner Hollins supported revisiting the purchase offer in the event Montreat College did not hold full ownership of property, but felt it was important to resolve the title issue before making a final decision. Commissioner Currie advocated determining the percentage of shared interest in the property if it was not solely owned by the College, and asked staff to find ways to expedite the receipt of the Executor's Report if possible.

Woodland Road Update: Mr. Nalley said that staff was continuing to work with McGill Associates to prepare a revised paving plan that addressed safety and drainage concerns in the area while avoiding any unnecessary impact to the Marshall property. He presented and reviewed three proposed project schedule options prepared by McGill Associates and noted that revised paving plans would not be completed in time to meet the deadlines listed under Option A. He said that staff recommended using Option B, subject to potential weather delays, in order to complete the project by early January 2010. Mr. Nalley also noted that Option B would also avoid any known scheduling conflicts for the Marshall family's attorney.

Texas Road Bridge Replacement Update: Mr. Nalley advised that although the Town had been approved for approximately \$200,000 in funding through the North Carolina Department of Transportation's State Transportation Plan Distribution Fund toward the cost of this project, the engineering costs to complete all the requirements to receive these funds were estimated at up to \$101,000. He said he also spoke recently with the western regional representative of the North Carolina Department of Transportation's Municipal Bridge Unit, who said the Town may be eligible for grant funding through the NCDOT's Bridge Maintenance Program. If awarded, this grant would involve much of the same engineering requirements as other federal funding sources but would cover 80% of the engineering, design and construction-related costs of the project. Mr. Nalley cautioned that if the Board wished to apply for funding through the Bridge Maintenance Program, staff must immediately stop all efforts to pursue State Transportation Plan Distribution Fund monies. He asked for direction from the Board as to which funding option they would like staff to pursue. After discussion, the Board agreed by consensus to immediately stop pursuing funding through the State Transportation Plan Distribution Fund and directed staff to determine whether the Town may be eligible for a grant from the Bridge Maintenance Program for this project. Commissioner McCaskill also felt the Town may be in a good position to apply for a Letter of Map Amendment that, if granted, would allow the Town the option of replacing the bridge in its current location.

Administrative Reports

Police Chief: Chief McClintock said he would give his monthly departmental activity report at next week's meeting. Commissioner Currie said she had heard a number of complaints about recent difficulties with using the Town of Black Mountain's police dispatch system to contact Montreat's on-duty officers. Chief McClintock explained that Black Mountain had chosen to reconfigure their phone system to use one centralized number, requiring callers to select the appropriate department from a short list of recorded menu options. He stated that the former non-emergency dispatch number was still in effect for now, but would be phased out and that additional public education would be needed concerning the change to the new number. He also pointed out that using Black Mountain's police dispatch system would continue to be the quickest way to reach a Montreat officer for time-sensitive matters. Both Chief McClintock and Mr. Nalley encouraged the public not to hesitate to call 911 in emergency situations. Commissioner Currie felt there should be a means of contacting an on-duty Montreat police officer directly. Chief McClintock suggested that Mr. Nalley or Mayor Taylor may wish to speak to Black Mountain staff about the possibility of a direct dispatch line for Montreat calls.

Public Works Director: Mr. Caldwell reported on the following items:

- Bi-weekly sanitation collection will end on August 28, 2009.
- Due to the upcoming Labor Day holiday, garbage and recyclable item collection will be delayed until Tuesday, September 8.
- Public Works Department staff will research ways to continue encouraging recycling efforts, as a decrease in recycling tonnages for the month of July.
- Effective October 1, 2009, the Buncombe County Landfill will impose a ban on plastic bottles.
- Montreat's well pumps are operating 12 to 14 hours per day, with only minor air complaints and no water received from the Town of Black Mountain.
- Staff has submitted an Application for Approval of Engineering Plans and Specifications to the North Carolina Department of Environment and Natural Resources – Public Water Supply Section for the Providence Terrace water line project.
- The Appalachian Way paving project is tentatively scheduled to begin on August 24.

Commissioner Hollins and Commissioner Currie praised Public Works Department employee Michael Harrison for his street cleaning and repair work on Shenandoah Terrace, Maryland Place, Eastminster Terrace and John Knox Road.

Finance Officer: Mr. Stackhouse presented and reviewed the final June and preliminary July 2009 Financial Statements. He said he would present a quarterly investment earnings report for the period ending June 30, 2009 at next week's meeting. He also noted that minor adjustments may be made to the June 2009 Financial Statement during the annual audit process.

Building Inspector/Code Administrator: Mr. Currie said he would give his monthly departmental activity report at next week's meeting.

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 Audit Committee would meet at 3:00 p.m. on August 12 in the Town Services Office.

Commissioner McCaskill had no report at this time.

Commissioner Tate had no report at this time.

Public Comment

Martha Campbell asked that any relocation of the Texas Road bridge be designed so as not to impact the volleyball court and surrounding field area in order to preserve what she described as one of the few flat, grassy recreation areas in Montreat.

Hugh Alexander said he supported the Council's decision to abandon pursuit of American Recovery and Reinvestment Act of 2009 funding. He advocated replacement of the bridge in its current location, if possible, so that the existing recreation and parking areas could be retained.

Bill McCaskill said he was pleased that the Council decided not to pursue funding for the Texas Road bridge replacement project through the American Recovery and Reinvestment Act of 2009. He suggested that if alternative funding could not be obtained, the Town could create a cul-de-sac on Texas Road near the tennis courts to redirect vehicular traffic and convert the existing bridge to pedestrian-only use.

Susanne McCaskill suggested implementing a call forwarding system for the Police Department.

Old Business

Proposed Revisions to Montreat Subdivision Ordinance: Mr. Currie gave a brief overview of the Planning and Zoning Commission's consideration of revisions to the Montreat Subdivision Ordinance that would allow conservation design as a development option. He noted that the Commission's decision at their July 16, 2009 meeting to forward the proposed text to the Board of Commissioners was not unanimous due to a lack of consensus on the following issues:

- The proposed five-acre minimum parcel size threshold may be too large due to the possibility of many smaller, multi-acre parcels being developed.

- Permanent maintenance of 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 he would ask for direction from the Council on how to address these issues, as well as any other suggested changes to the proposed ordinance text they may feel were appropriate. After brief discussion, Mayor Pro Tem Nichols moved to hold a special meeting on August 24, 2009 at 5:00 p.m. or as soon thereafter as possible in the Town Services Office to discuss proposed revisions to the Montreat Subdivision Ordinance. Commissioner Hollins seconded. The motion carried 4/1 with Commissioner Tate voting in opposition.

New Business

Proposed Revisions to Montreat Zoning Ordinance Article IX – Off-Street Parking and Loading Regulations: Mr. Currie presented a recommendation from the Planning and Zoning Commission for revisions to Montreat Zoning Ordinance's off-street parking and loading regulations. He noted that although the Zoning Ordinance's current language imposed a maximum 14% slope on all parking areas and access lanes, this requirement had not traditionally been enforced for residential parking and was removed entirely from the recommended revision language. Mr. Nalley pointed out that this language was traditionally interpreted to pertain only to Institutional properties. Other revisions included replacement of the maximum parking requirement of four spaces with requirements for parking based on heated square footage as well as number of bedrooms. Language was also added allowing the Zoning Official to grant a reduction in the required 8' landscaped buffer between the roadway and parked vehicles upon determining that a comparable safety factor is maintained. Mr. Currie said that while staff supported a reasonable maximum slope limitation for any area intended for use as off-street parking due to safety considerations, he understood the Planning and Zoning Commission's concern that this may be viewed as too restrictive when considered in conjunction with the Hillside Development ordinance's requirements.

Mayor Pro Tem Nichols asked that the full definition of the Americans with Disabilities Act (ADA) be spelled out in the ordinance text. Commissioner Currie asked for clarification that ADA parking space requirements pertained only to Institutional properties. She also requested that the text of the proposed revisions be updated to better indicate all of the additions and deletions made compared to the current ordinance language. After further discussion, the Board directed staff to further revise the proposed ordinance revisions to include a recommended maximum slope requirement for parking areas and access lanes and to clarify the applicability of this requirement to both residential and Institutional properties. A motion to call for a public hearing on the most recent revision text will be added to next week's meeting agenda.

Water Exchange Agreement – Town of Black Mountain: Mr. Nalley said that the existing water agreement between Montreat and Black Mountain had been in place since 1999, with a regular exchange of water between the two towns since that time. Certain terms of the contract have not been consistently enforced by either town, and in 2004 amendments were proposed to the

agreement that Montreat may not have officially approved. He advised that Black Mountain's Town Manager, under direction from their Board of Aldermen, had prepared a revised agreement that allowed for the exchange of water under emergency circumstances or during periods of high demand and established an equitable rate structure that charges for every gallon exchanged regardless of when and how the exchange is initiated. Other minor revisions to the agreement include acknowledging the recently adopted Water Shortage Response Plans of each town, clarifying the responsibility of each town with regard to the pumping station, and modifying the termination notice to six months. Mr. Nalley expressed his concern that establishing set rates for water could result a significant unbudgeted expenditure for either municipality in the event of an emergency. Mr. Nalley also said that he and Mayor Taylor had met with Black Mountain Mayor and Town Manager to discuss this matter and that during Black Mountain's last Board of Aldermen meeting, the Town Manager had included in her Request for Board Action on this item the following suggested revisions to the proposed agreement:

- Free exchange of water during a bona fide emergency
- Establishment of separate rates for "high demand" periods and "emergency usage.
- Establishment of a more reasonable wholesale rate of exchange between the Towns, or
- Continuation of the water agreement as currently written, with free exchange of water and an annual reconciliation, requiring payment from one Town to the other for any imbalance in consumption.

Mr. Nalley explained that Black Mountain's Board of Aldermen had reviewed the proposed changes but not yet voted on any of the options listed. He noted that Black Mountain's Board had originally planned to vote on this matter in July, but later agreed to remove the item from their agenda and postpone further action until Montreat's Board could review the revised agreement. Commissioner Currie felt that the Black Mountain Town Manager's suggested revisions were reasonable and asked that they be incorporated into the agreement.

Public Comment

There were no comments from the public at this time.

Meeting Dates

Mayor Taylor announced the following upcoming meeting dates:

August Agenda Meeting:

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

August Town Council Meeting:

August 13, 2009, 7:00 p.m.,
Kirk Allen Building

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<u>August Planning and Zoning Commission Meeting:</u>	August 20, 2009, 7:00 p.m., Kirk Allen Building
<u>August Board of Adjustment Meeting:</u>	August 27, 2009, 7:00 p.m., Kirk Allen Building
<u>Agenda Items Due:</u>	August 28, 2009, 4:30 p.m., Town Services Office
<u>Bi-Weekly Sanitation Collection Ends</u>	August 28, 2009
<u>September Montreat Landcare Committee Meeting:</u>	September 1, 2009, 9:00 a.m., Andy Andrews Gallery
<u>Agenda Packets Available:</u>	September 1, 2009
<u>September Agenda Meeting:</u>	September 3, 2009, 7:00 p.m., Kirk Allen Building
<u>Town Services Office Closed:</u>	September 7, 2009 Labor Day Holiday
<u>Labor Day Sanitation Collection Date:</u>	Tuesday, September 8, 2009, 8:00 a.m.
<u>September Town Council Meeting:</u>	September 10, 2009, 7:00 p.m., Kirk Allen Building
<u>September Planning and Zoning Commission Meeting:</u>	September 17, 2009, 7:00 p.m., Kirk Allen Building

Adjournment

There being no further business to discuss, Commissioner Hollins moved to adjourn the Agenda Meeting. Commissioner McCaskill seconded. The motion carried 5/0 and the meeting was adjourned at 8:37 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk