

**Town of Montreat
Board of Commissioners
Town Council Meeting
August 13, 2009 – 7:00 p.m.
Kirk Allen Building**

The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on August 13, 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 Bill Hollins, Commissioner Jack McCaskill and Commissioner O'Neil Tate. 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. 18 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. Commissioner Hollins seconded and the motion carried 5/0.

Presentation to Council – Buncombe County Board of Commissioners

Buncombe County Board of Commissioners Chair David Gantt introduced the County Commissioners and staff members present. He thanked the Montreat Board and staff members for the opportunity to attend the meeting and said he admired Montreat's focus on environmental conservation.

Mayor Taylor gave a brief history of the establishment of the Montreat community and the Town's incorporation. She noted the fluctuations in population between full-time and seasonal residents as well as the large amount of visitors during the ten-week summer conference season. She stated that an ongoing challenge for the Town was to provide services and infrastructure to support the highest amount of need in a location where nearly 60% of real property was tax-exempt. She noted a high percentage of public participation during the development of the Town's Comprehensive Plan and explained that the Hillside Development and Stormwater Management Ordinance were adopted as two of the 35 short-term goals set for completion within one year of the Plan's April 2008 adoption date.

Mr. Nalley gave a PowerPoint presentation on the landcare conservation initiative. He explained that a landcare group was comprised of community-based volunteers working on conservation projects that contribute to positive environmental, social and economic outcomes. He said the landcare model helped to organize and empower local volunteer groups to identify and complete their own conservation projects in way that yields social, economic and environmental benefits. Landcare also fosters an ethic of personal responsibility for the land and can often add corporate support and visibility to the community's conservation goals and projects. Mr. Nalley referred to several projects and initiatives completed over the past several years that showcased Montreat's strong history of environmental conservation, including the establishment of Extraterritorial Zoning Jurisdiction as a means to protect the Town's ridgelines, becoming the

first municipality in North Carolina to be certified as a Community Wildlife Habitat through the National Wildlife Federation, reintroduction of the American Chestnut tree and native brook trout and ongoing greenway and trail system development. He also explained that although these projects were completed prior to the establishment of the Montreat Landcare Program, all were consistent with landcare ideals.

Commissioner Currie spoke about the Town's Open Space Conservation Program, which she said was initiated through the adoption of the Open Space Conservation Plan in October 2007 as a means of providing owners of undeveloped property to dedicate these lots into permanent conservation. She explained the Plan set forth guidelines and criteria for the Open Space Conservation Committee to evaluate a lot's resource value and, if appropriate, recommend the property for permanent preservation on a case-by-case basis. The Plan also authorizes the Town to act as a facilitator and fiscal agent to work with interested property owners and establishes a fund to assist with surveys, title work and other legal expenses related to the donation.

Mr. Nalley then continued his presentation, outlining the establishment of the Montreat Landcare Committee through a Memorandum of Understanding with Land-of-Sky Regional Council in 2007 and approval of the Committee's Bylaws in 2008. He explained that Land-of-Sky Regional Council provided facilitation, networking, fundraising assistance, while the Town acted as the Committee's fiscal agent. Mr. Nalley said Montreat's Landcare Committee was the first in North Carolina and served as an organizing umbrella for conservation projects within the Town and surrounding watershed area. He also listed recent Landcare Committee accomplishments, such the joint purchase of an electric vehicle to be shared by the Town, Montreat College and Montreat Conference Center through funding provided by grant from the North Carolina Department of Environment and Natural Resources Division of Air Quality. Other ongoing Landcare Committee initiatives included erosion control, removal of invasive plant species, environmental education and completion of a Native Plant Garden near the Montreat Gate with grant funding through Land-of-Sky Regional Council and the Rural Center. Mr. Nalley finished his presentation by encouraging County officials to consider introducing the landcare model into their own environmental preservation efforts.

Buncombe County Manager Wanda Greene said a large portion of County government was dedicated to providing community services and noted that over half of all County property tax revenues were allocated to the public school system. She noted a significant caseload increase in the Social Services Department and said the County had contracted with certain non-profit organizations to help meet this demand. Upcoming capital projects included library system renovations and construction of a public safety training facility for emergency services personnel. Ms. Greene said the recent reduction in municipal shares of beer and wine tax revenues had resulted in a \$600,000 loss to the County's budget for the current fiscal year. She said staff had been aggressively pursuing all available funding through the American Recovery and Reinvestment Act of 2009, receiving \$5.2 million of the approximately \$8 million applied for. She also noted that the County had started the process of making all of their facilities smoke-free, and would also hold workshops within the next few weeks concerning steep slope regulations and affordable housing.

Mayor Pro Tem Nichols asked if the County would consider negotiating with for-profit entities to help provide needed services. Ms. Greene replied that at this point only non-profit agencies had been interested in offering assistance. Mayor Pro Tem Nichols also asked if the County expected the State to eventually reinstate the full amount of beer and wine tax revenues. Ms. Greene was not hopeful that this would happen in the near future and said County staff was concerned that the remaining third of these revenues may also be withheld.

Commissioner Hollins asked about the current County property tax rate and an estimated date the postponed revaluation process may be rescheduled for. Ms. Greene said the current County property tax rate was \$0.52 per \$100 of valuation and that the revaluation process would resume once property tax values showed a measurable increase over the current tax base but no later than the 2013-2014 fiscal year.

Commissioner Currie noted that some owners of small, steeply sloping unimproved lots in Montreat have complained that their property value is often assessed similar to larger developed lots with utility and road connections. Ms. Greene encouraged any property owner who felt their lot was over-valued to contact the County Tax Department for an explanation of how their property value was calculated and information on how to appeal that decision.

Mayor Taylor said she had also heard comments that some residents were unhappy about the current lack of County-wide animal control services. Ms. Greene explained that this was not a mandated service and was provided to County residents only for financial reasons. Mayor Taylor also mentioned the Town's recent difficulties in receiving adequate funding for well site installation and bridge replacement projects through the American Recovery and Reinvestment Act of 2009 and asked for any advice from the County on how to improve Montreat's chances of receiving this or other funding. Mr. Gantt suggested that the County and Montreat may consider entering into a partnership similar to those done recently in Wake and Orange Counties once economic conditions improve. After brief closing comments, the County Commissioners and staff left the meeting at 7:53 p.m.

Communications From the Mayor

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

Review of the Consent Agenda

Mr. Nalley summarized the items approved with the adoption of 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 said that because the Town received only \$313,000 of the \$550,00 necessary to complete the Greybeard Trail and Harmony Lane well site projects, staff would conduct further research to determine why the total requested amount was not awarded and what alternative funding options may be available. Staff also contacted the North Carolina Department of Transportation to advise them that the Town would no longer pursue funding for the Texas Road bridge replacement project through the State Transportation Plan Distribution Fund. Mr. Nalley also advised that the Town had not yet been awarded any funding for the automated water meter reading system and said staff would continue pursuing other funding sources for this project.

Real Property Purchase Update: Mr. Nalley presented and reviewed correspondence from Town Attorney Susan Taylor Rash concerning the C.E. Graham estate administration documents from Greenville County, SC. He said he would also forward this information to Montreat College staff for their review. He explained that the documents indicated that the heirs of C. E. Graham may hold a one-half interest in the property. Montreat College has paid taxes on the lot since 1944 but has not taken any action since that time to resolve any potential claims by the Graham heirs. Although Ms. Rash thought it was unlikely that any of the Graham heirs would pursue an ownership claim after so many years, she could not guarantee that there was no risk of this. Ms. Rash's correspondence also indicated a potential problem with the legal description of the lot in that a tract marked 'Mt. Rt. Assn. Farm Lodge' included in the 1906 plat was not adequately referenced in a corrective deed filed by the MRA in 1935. Ms. Rash suggested that this matter could be resolved either by asking the MRA to join the deed for the purpose of conveying any remaining interest in the property to Montreat College, or by requesting that Montreat College provide a title insurance policy containing no exception for this issue.

Mr. Nalley said several options were available to resolve this matter. The Board could accept a special warranty deed for the property accompanied by affidavits from Montreat College officials that could be used to defend the Town against any potential future claims by the Graham heirs. Alternatively, the Town could execute a deed for one-half interest in the property at a reduced purchase price or ask Montreat College to take the necessary legal actions to obtain full interest in the property and proceed with the purchase for the full amount previously agreed upon. In the interest of moving forward with the Appalachian Way paving project, Mr. Nalley suggested that he and the Mayor working with Montreat College officials to negotiate an agreement to resolve the title issues and proceed with the purchase while continuing with the paving work. After brief discussion, the Board agreed by consensus.

Woodland Road Update: Mr. Nalley presented and reviewed a revised schedule for the Woodland Road paving project. He noted that completed plans incorporating comments and concerns heard at the July 2 public review session were due on August 28. He said staff

recommended holding a second public review session during the September 3 Agenda Meeting, with a final paving plan to be presented for approval at the September 10 Town Council Meeting. He cautioned that potential weather delays may lengthen the amount of time needed to complete the project. During discussion, Mayor Taylor felt that holding a separate public review session would give the public a better opportunity to review the revised paving plans. The Board agreed by consensus to hold a public review session on September 3 from 6:00 p.m. until 7:00 p.m. in the Kirk Allen Building and directed staff to send postcard notifications to neighboring property owners.

Texas Road Bridge Replacement Update: Mr. Nalley said staff was awaiting a response from the North Carolina Department of Transportation's Bridge Maintenance Program for grant funding for this project. He noted that construction would likely be delayed until after April 15, 2010 due to brook trout spawning season.

Mr. Nalley also reported that staff planned to move forward with bid requests for the Harmony Lane well site project in order to begin construction in October.

Administrative Reports

Police Chief: Chief McClintock gave his departmental activity report for the month of July.

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.
- Effective October 1, 2009, the Buncombe County Landfill will impose a ban on plastic bottles. More public information will be forthcoming concerning these new regulations.
- Montreat's well pumps are operating 12 hours per day. The Town did not receive any water from the Town of Black Mountain during the summer months.

Finance Officer: Mr. Stackhouse presented and reviewed the final June and preliminary July 2009 Financial Statements, as well as a quarterly investment earnings report for the period ending June 30, 2009. During discussion, Mayor Pro Tem Nichols encouraged staff to investigate ways to maximize interest returns on the Town's investments. Mr. Stackhouse will contact the North Carolina Capital Management Trust to determine if Town's investments earnings rate can be increased.

Building Inspector/Code Administrator: Mr. Currie gave his departmental activity report for the month of July. He said that in addition to completing proposed revisions to the Zoning Ordinance's off-street parking and loading regulations, the Planning and Zoning Commission had recommended approval of Towers XX's Conditional Use Permit Application for a cellular telecommunications tower on the rear portion of the South Carolina Home property. The Board of Adjustment will consider this item for final approval at their August meeting, along with a

variance request from the De Luzuriaga family to construct a second floor master bathroom addition and extend the front porch area within the front and side yard setback areas of a non-conforming improved lot located at 420 Kentucky Road. Mr. Currie also said he would prepare a list of certain permitted activities involving multiple building trade inspections, such as water heater or appliance replacements, that require limited time to inspect and may qualify for reduced permit fees. These items will be presented at next month's meeting for a possible amendment to the Town's Fee Schedule.

Commissioner Reports

Mayor Pro Tem Nichols said he planned to resign from his duties as liaison to the Black Mountain Center for the Arts effective December 31, 2009.

Commissioner Currie had no report at this time.

Commissioner Hollins said the Audit Committee met last week prior to the start of the annual audit process and would meet again once the completed audit report was ready to submit to the Local Government Commission for formal approval.

Commissioner McCaskill said the Buncombe County Greenways Commission was reviewing design plan responses from several engineering firms for a greenway connection from Black Mountain through Warren Wilson College's trail system and Charles D. Owen Park, ending at Azalea Park.

Commissioner Tate reported that Montreat College student volunteers would be working to apply mulch along Gate Trail this Saturday from 10:00 a.m. until 12:00 p.m. and invited any interested members of the public to participate.

Public Comment

There were no comments from the public at this time.

Old Business

Proposed Revisions to Montreat Subdivision Ordinance: Commissioner Currie 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. Mayor Pro Tem Nichols seconded. After discussion, the motion carried 5/0.

New Business

Proposed Revisions to Montreat Zoning Ordinance Article IX – Off-Street Parking and Loading Regulations: Mr. Currie presented and reviewed staff's revisions to the proposed ordinance text made in response to comments heard at the Agenda Meeting as follows:

- Section 900.2 Parking Space Area Requirements: Addition of “unless the Zoning Official determines an alternate layout/design provides an equivalent safety factor.”
- Section 900.3 Parking Area Surfaces: Addition of “unless otherwise approved by the Zoning Official and shall comply with the remaining requirements of this section for durable, dustless surfaces.”
- Section 900.4 Permitted Slope: Creation of this new section with the addition of “No grade within a commercial or institutional parking area or access lane shall exceed sixteen percent (16%) slope. Residential parking areas shall not exceed twenty percent (20%) maximum grade. Driveway areas that exceed 20% slope and/or which do not provide adequate turnaround width for parked vehicles may not be included in calculation of required parking spaces. Accessible parking spaces, as defined by North Carolina State Building Code, Volume 1-C, shall not exceed a surface slope of two percent (2%) at any point.”
- Section 900.71.1 Residential: Deleted in its entirety
- Section 900.81 Residential: Creation of this new section with the addition of “The total number of required parking spaces for residential structures shall be calculated by considering both heated square footage and sleeping accommodations (bedrooms) provided, and shall be the greater of the two.
 - 1) The number of parking spaces based on square footage is as follows:

Two (2) spaces required per dwelling unit up to 2000 square feet. One (1) additional space required for each additional 500 square feet above 2000. For existing homes out of compliance with this ordinance, one (1) additional parking space shall be required for each 500 square feet that is added to the structure.
 - 2) The number of parking spaces based on bedrooms is as follows:

For dwelling units there shall be one (1) parking space for each bedroom. For existing homes out of compliance with this ordinance, one (1) additional parking space shall be required for each bedroom that is added to a structure.”
- Renumbering of Sections throughout document as needed.

Mr. Currie clarified that handicap-accessible parking space requirements would be applicable on any property where the intent was to create a handicap-accessible parking space. After discussion, Mayor Pro Tem Nichols moved to call for a Public Hearing on September 10, 2009 at 7:00 p.m. or as soon thereafter as possible to discuss proposed revisions to Montreat Zoning Ordinance Article IX – Off-Street Parking and Loading Regulations. Commissioner Hollins seconded and the motion carried 5/0.

Water Exchange Agreement – Town of Black Mountain: Mr. Nalley said 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 were not consistently enforced by either town, and in 2004 amendments were proposed to the agreement that Montreat may not have officially approved. He stated that under direction from the Black Mountain Board of Alderman, their Town Manager had prepared a revised agreement for Montreat’s consideration. Mr. Nalley said he had begun updating the draft agreement to include language allowing free exchange of water during emergencies, separate billing rates for “high demand” periods and “emergency usage” and a more reasonable wholesale rate of exchange between the Towns. He did not believe Black Mountain would be willing to consider continuation of the terms of the current agreement and was therefore not including this option in his revisions. He suggested that an updated draft be submitted to the Town of Black Mountain for review and comment by their Mayor and Town Manager before presentation to Montreat’s Board for formal approval. After brief discussion, the Board agreed by consensus.

Public Comment

There were no comments from the public at this time.

Meeting Dates

Mayor Taylor announced the following upcoming meeting dates:

<u>August Planning and Zoning Commission Meeting:</u>	August 20, 2009, 7:00 p.m., Kirk Allen Building
<u>Special Meeting - Proposed Revisions to Montreat Subdivision Ordinance:</u>	August 24, 2009, 5:00 p.m., Town Services Office
<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>Woodland Road Paving Plan Review Session:</u>	September 3, 2009, 6:00 p.m., Kirk Allen Building

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September Agenda Meeting: September 3, 2009, 7:00 p.m.,
Kirk Allen Building

Town Services Office Closed: September 7, 2009
Labor Day Holiday

Labor Day Sanitation Collection Date: Tuesday, September 8, 2009,
8:00 a.m.

September Town Council Meeting: September 10, 2009, 7:00 p.m.,
Kirk Allen Building

September Planning and Zoning Commission Meeting: September 17, 2009, 7:00 p.m.,
Kirk Allen Building

Adjournment

There being no further business to discuss, Commissioner McCaskill moved to adjourn the Town Council Meeting. Commissioner Hollins seconded. The motion carried 5/0 and the meeting was adjourned at 9:07 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk