

**Town of Montreat
Board of Commissioners
Town Council Meeting
August 14, 2008 – 7:00 p.m.
Kirk Allen Building**

The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on August 14, 2008 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, Chief of Police William B. McClintock, Public Works Director Charles Caldwell, Safety Officer Stephen Freeman, Town Clerk Misty R. Gedlinske, Finance Officer Stefan Stackhouse and Building Inspector/Code Administrator David Currie. Eleven 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 Currie moved to adopt the meeting agenda as presented. Commissioner Tate seconded and the motion carried 5/0.

Public Hearing - Proposed 2008-2009 Town of Montreat Fee Schedule

Mayor Taylor opened the public hearing on this matter. Mr. Nalley explained that the Board had asked staff to prepare a fee schedule for Town services that could be updated and adopted annually as part of the budget approval process each fiscal year. He noted that upon recommendation from the Revenue Source Committee, the proposed fee schedule included significant increases to building inspection and zoning-related fees to more adequately cover the Town's cost for providing those services and to become more comparable with fees charged by municipalities of comparable size. Wade Burns was recognized and commented that a \$350 variance application fee could serve to discourage applications and felt the proposed fee amount was unreasonable in addition to the amount of property taxes likely paid by a typical property owner. Mayor Pro Tem Nichols responded that the Revenue Source Committee's purpose was to raise revenues from sources other than property taxes and to provide a means to charge the cost of Town services more directly to the users of those services. He said that focusing on user-based fees could serve to either reduce property taxes or prevent the need for future increases. Mr. Burns also asked the Council to consider the quasi-judicial nature of Board of Adjustment proceedings and not enact fees that may serve to hinder a citizen's access to those proceedings. Hearing no further comments, Mayor Taylor then closed this public hearing.

Public Hearing – Request to Close Portions of Salem Drive Right-of-Way

Mr. Nalley explained that following the public notification process for Sissy Jones' request to close and exchange portion of the Town's right-of-way for private property at the end of Salem Drive and Peace Lane, both affected homeowners contacted Town staff and expressed their hesitation and, in one instance, disapproval of her plans. He stated that Ms. Jones was attempting to correct certain misunderstandings among those individuals, and asked the Council to postpone any further action on this matter until written approval from both property owners

was submitted. The Council members reviewed copies of the survey of the affected area for clarification of the portions of rights-of-way and private property areas proposed for closure and exchange. Hearing no comments from the public, Mayor Taylor then closed the public hearing on this matter.

Communications From The Mayor

Mayor's Cup Raft Race: Mayor Taylor advised that the Mayor's Cup Raft originally scheduled for August 17, 2008 had been postponed due to low water levels in the French Broad River.

Review of the Consent Agenda

Mr. Nalley stated that with the adoption of the Consent Agenda, the Board had approved the minutes of the November 1, 2007 Agenda Meeting, November 8, 2007 Town Council Meeting, June 26, 2008 Budget Meeting and July 10, 2008 Town Council Meeting. He explained that as part of the preparation for the Town's annual audit, it was discovered that the November minutes had not previously been approved.

Communications from the Town Administrator

Cell Tower Update: Mr. Nalley reported that a cellular tower company representing AT&T was interested in locating a cellular monopole next to the Town's water tank on Appalachian Way and would likely present a proposed lease agreement for consideration at the September meeting.

Montreat Springs Update: Mr. Nalley advised that no petition for voluntary annexation had yet been submitted for the proposed "Montreat Springs" subdivision, and said that opposition from members of the Montreat community may have discouraged the developer from moving forward with this request.

Brian Sawyer: Mr. Nalley presented copies of an Order granting the Town's motion for summary judgment issued by Judge Dennis Winner on July 20, 2008 concerning all claims filed by former employee Brian Sawyer. Mr. Nalley said that the Town's counterclaims against Mr. Sawyer were still active, and that the Board would need to decide how to proceed with those claims at the end of a 30-day appeal period.

Request to Close or Exchange Public Right-of-Way – Robert Sulaski, Chapman Road: Mr. Nalley advised that Mr. Sulaski had requested additional time to prepare his proposal to construct a driveway along unopened public right-of-way on Chapman Road, and would present this information to the Council at their September meeting.

Draft Steep Slope Development Regulations: Mr. Nalley stated that the Town Attorney was currently reviewing the Planning and Zoning Commission's draft steep slope development regulations, which would likely be presented to the Council at their September meeting.

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Buncombe County Greenways Commission: Mr. Nalley advised that Buncombe County Parks, Greenways and Recreation Services was in the process of constructing a Greenways Commission to oversee future greenway development within the County and was asking local municipalities to appoint a representative from their agencies to serve on this Commission. After discussion, Commissioner Jack McCaskill volunteered to serve in this capacity.

Water Fountain Request: Mr. Nalley presented a request from David DeLuzuriaga, Fil Mabry and Gray Rixey for permission to construct a water fountain near Welch Field. He said the eleven- and twelve- year-old boys had raised approximately \$400 through lemonade sales over the past two years and would continue to add to this amount through fundraising and matched contributions from Montreat patrons. Catherine Mabry, mother of one of the boys making the request, spoke on behalf of the family and asked if the boys could raise the money needed to construct the water fountain whether the Town would consider paying the water bill for the fountain's use during the summer months. Mr. Nalley also presented copies of a letter from the Mountain Retreat Association supporting the project. He explained that the water fountain could not be located at the Town's nearby well site as the boys had originally requested due to public safety and security concerns. He said that the other possible location for the water fountain would be on the opposite side of the field on MRA property, but cautioned that the Board would need to consider the feasibility of installing and maintaining a water fountain on property owned by another entity.

During discussion, Mayor Taylor suggested that the Town could waive the meter tap fee for the project. Commissioner McCaskill felt that the Town should not assume the costs or liability for a water fountain or other structure built on property owned by another party. Commissioner Currie was concerned about providing what could become a means of free public water access, especially during drought conditions. Public Works Director Charlie Caldwell explained that the Town's water meters had locking capabilities to more securely prevent unwanted access, and said that the water fountain would be for drinking purposes only and would not have a spigot or hose bib installed. Commissioner Hollins felt that freeze protection measures should also be addressed during the winter months. Corinne Donkle was recognized and asked what the estimated monthly water bill would be for the fountain. Mr. Nalley replied that there would be minimum line maintenance and water access fees year-round, plus water and sewer charges for any usage during the summer months. After further discussion, the Council agreed by consensus to waive the meter tap fee for installing the water fountain, but would not assume any liability, maintenance responsibility or water usage costs associated with the project. Don Reid was recognized and asked what potential liability could arise from installing the fountain. Commissioner McCaskill replied that there was a slight possibility of injury from citizens using the fountain and stated that the Town should not be held liable for any incidents occurring on MRA property.

Administrative Reports

Police Chief: Chief McClintock gave his Police Department activity report for the month of July. He noted a large increase in several categories of police activity, which he explained was

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typical for the summer season. Commissioner Currie thanked the Police Department on behalf of the Montreat Cottagers Association Board for their assistance during the July 4th parade. Chief McClintock also presented a 2008 Summer Impact Study he had prepared which listed the estimated summer population, vehicle count and average traffic speed on Assembly Drive from June through August.

Public Works Director: Mr. Caldwell listed the tonnage amounts of garbage and recyclables collected during the month of July and reminded the public about the upcoming end to bi-weekly sanitation pickup. He also noted that due to the Labor Day holiday, sanitation collection would be delayed until Tuesday of that week.

Mr. Caldwell then reported that the Town's wells had lost about 25% of their production yield, and that although the well pumps were operating between eighteen and nineteen hours per day the tank levels were still dropping nearly one foot each day. Mr. Nalley noted that the State-recommended limit for well pump operation was twelve hours, and explained that a 25% reduction in well capacity was equivalent to a complete loss of one of the Town's wells. He also pointed out that the past month had shown the highest amount of water usage for the same time period in the Town's history, and that the customary drop in water usage between the end of the summer conference season and the start of Montreat College's fall semester had not occurred. He explained that all of these factors combined meant that the Town had only 17 to 18 days of water supply remaining unless further actions were taken, and said that staff recommended implementing mandatory water restrictions with doubled water usage rates to address the problem. He noted that several municipalities throughout Western North Carolina had already enacted mandatory water restrictions, and predicted that several others may also do so if the current drought conditions persisted. Mr. Nalley further advised that Montreat had the option of purchasing up to 50,000 gallons of water per day from the Town of Black Mountain. He explained that although current practice was to exchange up to 1,000,000 gallons free of charge with Black Mountain, Montreat had already surpassed this limit and Black Mountain risked increased capacity fees from the City of Asheville and a reduction in water pressure to their own customers if Montreat received more than 50,000 gallons per day. He also noted that the former Greybeard Trail reservoir could not be reinstated as a public water source due to restrictions imposed by the Clean Water Act.

Discussion was then heard concerning whether doubled water rates should begin immediately or with the start of the next billing cycle. Commissioner Hollins was concerned that the public was not sufficiently aware of the seriousness of the water situation and recommended delaying the doubled water rates until the beginning of the September billing cycle to allow time for increased public notification and education efforts. He advocated using door hanger notices posted at each home in Montreat notifying residents of the need to reduce water consumption and the specific usage limitations dictated by mandatory water restrictions. After discussion the Board agreed by consensus that mandatory water restrictions would be enacted immediately, to escalate public education and notification efforts through the use of door hangers, post cards and other measures, and to apply doubled water usage charges beginning with the September 2008 billing cycle if necessary.

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Don Reid was recognized and asked what steps the Town had taken to locate additional well sites or other water sources. Mayor Taylor replied that staff had been communicating with the Mountain Retreat Association and the Southern Appalachian Highlands Conservancy for possible well sites with the requisite 100' control radius. She cautioned that even if a suitable well site were located, there was no guarantee that sufficient water supply would be present and noted that the Town had drilled several dry wells over the water system's history.

Mr. Caldwell further reported that the Appalachian Way pump station had recently sustained considerable roof damage from a fallen tree. He noted there was no interruption of water service related to the incident, and said the Town's insurance company had agreed to cover the estimated \$6,000 to \$8,000 in repair costs.

Mr. Caldwell also presented copies of a letter from TGS Engineers, who had inspected the Town's bridges earlier in the year, recommending the immediate closure and repair of the Texas Road bridge due to widespread timber decay. He advised that staff had closed the bridge and noted that Texas Road had since been converted to two-way traffic for access purposes. Mr. Nalley said that the letter outlined several repair and placement options with costs ranging from \$42,000 for replacement of all timber components to \$200,000 for construction of a new triple box barrel culvert bridge. He noted that any repairs to or replacement of the bridge must be completed within 12 months of the April 2008 inspection date. Mayor Pro Tem Nichols asked if there was a need to increase the bridge's load-bearing capacity. Mr. Caldwell replied that the bridge would not currently support the weight of a fully loaded fire truck and should be strengthened for public safety reasons. Mr. Nalley noted that replacement of the Texas Road bridge, along with other related road work, was originally scheduled in the Town's Capital Improvements Plan in two to three years at a cost of approximately \$400,000. After discussion, the Board agreed by consensus for staff to obtain a second opinion from McGill Associates in preparation for further discussion of this matter.

Finance Officer: Mr. Stackhouse presented and reviewed the final June 2008 and preliminary July 2008 Financial Reports.

Building Inspector/Code Administrator: Mr. Currie's presented and reviewed the zoning activity and building inspections report for the month of July and noted the change in format and content as a result of implementing the new ZonePro permitting and inspections software.

Commissioner Reports

Mayor Pro Tem Nichols reported that the Black Mountain Center for the Arts would hold the First Annual Will Kennedy Memorial Golf Tournament on September 23, 2008 beginning at 1:00 p.m. and invited everyone to attend. He asked that this item be mentioned in the next edition of the Town newsletter.

Commissioner Currie reported that she had given a presentation at last Saturday's Montreat Cottagers Association meeting on various ongoing Open Space Conservation and LandCare

projects throughout the Town. She also asked staff to follow up on their research of local broadband services development.

Commissioner Hollins reported that the Audit Committee would meet on August 18, 2008 at 3:00 p.m. in the Town Services Office.

Commissioner McCaskill had no report at this time.

At Commissioner Tate's request, Mr. Nalley reported that as part of their efforts to become a Montreat LandCare Committee, the Parks and Recreation Committee would forward a Memorandum of Understanding and a revision to their bylaws to representatives of the Mountain Retreat Association, Montreat College and various other community environmental groups for their review and comment prior to consideration by the Town Council. Commissioner Tate also said that incoming Montreat College students would help with mulching along Gate Trail.

Public Comment

Corrine Donkle commented that she was not aware of the seriousness of Montreat's water shortage and felt that the public needed to be alerted to the problem and given an opportunity to conserve prior to enacting higher water rates.

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: Mayor Pro Tem Nichols moved to adopt Ordinance #08-08-0001 Amending 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, a copy of which is attached to these minutes and incorporated herein. Commissioner Tate seconded and the motion carried 5/0.

Town of Montreat 2008-2009 Fee Schedule: Commissioner Tate moved to adopt Ordinance #08-08-0002 Establishing the 2008-2009 Fee Schedule for the Town of Montreat, copy of which is attached to these minutes and incorporated herein. Commissioner Currie asked for clarification about the fee schedule's adoption and revision procedures. Mayor Taylor explained that the fee schedule would be adopted initially by ordinance and then could be updated with the annual budget adoption process if necessary. Mr. Nalley advised that these fees would be effective immediately upon adoption of the fee schedule, and that the fines for non-compliance with Town ordinances and permitting requirements would be separately enforced. Commissioner Currie then seconded the motion, which carried 5/0.

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Request to Close Portions of Salem Drive and Peace Lane Rights-of-Way: Commissioner McCaskill moved to table this matter. Commissioner Hollins seconded and the motion carried 5/0.

Proposed Revisions to the Ordinance Regulating the Construction and Financing of Public Improvements: Mr. Nalley presented the first draft of proposed revisions to the Ordinance Regulating the Construction and Financing of Public Improvements which he explained would ensure compliance with current North Carolina General Statutes while providing an equitable means of providing public utility extensions to undeveloped lots within the Town. He asked the Council to review the draft ordinance and forward their comments and suggestions to him in preparation for further consideration in September.

New Business

North Carolina League of Municipalities (NCLM) Green Challenge: Commissioner Tate moved to adopt Resolution #08-08-0002 Accepting the North Carolina League of Municipalities (NCLM) Green Challenge, a copy of which is attached to these minutes and incorporated herein. Commissioner Hollins seconded and the motion carried 5/0.

Public Comment

There were no comments from the public at this time.

Meeting Dates

Mayor Taylor announced the following upcoming meeting dates:

<u>Audit Committee Meeting</u>	August 18, 2008, 3:00 p.m., Town Services Office
<u>August Planning & Zoning Commission Meeting:</u>	August 21, 2008, 7:00 p.m., Kirk Allen Building
<u>Agenda Items Due:</u>	August 28, 2008, 4:30 p.m., Town Services Office
<u>Last Bi-Weekly Sanitation Collection Date:</u>	August 29, 2008
<u>Town Services Offices Closed</u>	Monday, September 1, 2008 Labor Day Holiday
<u>Rescheduled Labor Day Sanitation Collection Date:</u>	Tuesday, September 2, 2008

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September Parks and Recreation Committee Meeting:

September 2, 2008, 9:00 a.m.,
Andy Andrews Gallery

Agenda Packets Available

September 2, 2008
Town Services Office

September Agenda Meeting:

September 4, 2008, 7:00 p.m.,
Kirk Allen Building

September Town Council Meeting:

September 11, 2008, 7:00 p.m.,
Kirk Allen Building

September Planning & Zoning Commission Meeting:

September 18, 2008, 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 8:45 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk