Town of Montreat
Board of Commissioners
Agenda Meeting
September 3, 2009 – 7:00 p.m.
Kirk Allen Building

The Montreat Board of Commissioners held their regularly scheduled Agenda Meeting on September 3, 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, and Commissioner Bill Hollins, Commissioner Jack McCaskill and Commissioner O'Neil Tate. Representing Town Staff were Town Administrator Ron Nalley, Assistant Public Works Director Steve Freeman, Town Clerk Misty R. Gedlinske, Chief of Police William B. McClintock, Finance Officer Stefan Stackhouse and Building Inspector/Code Administrator David Currie. Approximately 12 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 Pro Tem Nichols moved to adopt the meeting agenda as presented. Commissioner Hollins seconded and the motion carried 5/0.

Public Hearing: Proposed Revisions to Montreat Zoning Ordinance Article IX – Off-Street Parking and Loading Regulations

Mayor Taylor advised that the Council would hold a Public Hearing on this matter at next week's meeting.

Presentation to Council: Metropolitan Sewerage District Update – Steve Aceto

Mayor Taylor said that Metropolitan Sewerage District Board Chair and Montreat Representative Steve Aceto would give an annual activity report to the Board at next week's meeting.

Communications From the Mayor

Mayor Taylor reported on the following items:

Emergency Preparedness Planning: President Obama has declared September as National Preparedness Month. Mayor Taylor asked the Board to hold a community emergency preparedness education workshop on the afternoon of September 24. After brief discussion, the Board agreed by consensus to hold this meeting at 4:00 p.m. in the Kirk Allen Building.

NCDOT Board of Transportation District 13 Representative: Wanda J. Proffitt has been appointed by Governor Perdue as the District 13 Representative to the NCDOT Board of Transportation.

Review of the Consent Agenda

Mayor Taylor summarized the items listed on the Consent Agenda, which included the minutes of the August 6, 2009 Agenda Meeting and August 13, 2009 Town Council Meeting. She noted that the August 13, 2009 Meeting minutes would be forwarded to the Council for review later that week.

Communications From the Town Administrator

Mr. Nalley gave updates on the following items:

American Recovery and Reinvestment Act of 2009 Funding: Staff received an e-mail notification that the Town may have been awarded funding for the automated meter reading system. That e-mail was recalled later in the day, and staff is now trying to determine the validity of the original message. Construction and bidding documents for the Harmony Lane well site project have also been submitted for approval from the North Carolina Department of Environment and Natural Resources Division of Water Quality.

Real Property Purchase: A Closed Session was planned for later in the meeting to allow the Board to discuss this matter.

Woodland Road Paving Project: Rebecca Johnson, a professional engineer with McGill Associates, presented and reviewed revised paving plans for the Woodland Road project. She explained that the current plans consisted of widening the road to 16 feet of paved surface throughout its entire length and removing the landscaped "islands" previously included for use as traffic calming devices. She said the plans also included a rain garden to control stormwater runoff and prevent flooding on certain residential lots. She noted that the revised plans did not include removal of an existing hill toward the intersection with Mississippi Road, and explained that the amount of grading needed to remove this hill would not be possible given the limited width of the right-of-way in this area.

Mr. Nalley referred to the map of the proposed plans and indicated that the existing roadway was already very close to the property and right-of-way lines on the portion of the road closest to the Mississippi Road intersection. He explained that the Town's Powell Bill revenues were a reimbursement of a portion of North Carolina state gasoline taxes, and were based on the number of miles of qualifying roadways within the Town. Mr. Nalley advised that the Board of Commissioners had recently adopted Town-wide street standards, which stated that all new roads must be at least 16 feet wide, consistent with Powell Bill street width standards. He also noted that staff shared the public's concern that traffic speeds on Woodland Road would increase if the road was paved, and said that traffic calming measures had been considered for this reason. He also cautioned that allowing Woodland Road to be paved but not widened may create a safety hazard.

Mayor Pro Tem Nichols asked whether Woodland Road could be designated as a one-way street and therefore allowed to be narrower than 16 feet without additional safety concerns. Ms. Johnson replied that this was possible, though she recommended that one-way traffic should flow in the direction from Mississippi Road to Virginia Road if the Board chose this option. Mr. Nalley said that based on similar situations on other streets throughout the Town, designating Woodland Road as a one-way street in either direction may cause a certain amount of public opposition. Commissioner Currie asked whether a portion of the road could be restricted to one-way traffic, with two-way traffic allowed along the remaining section. Mr. Nalley said this would only be feasible if there was a nearby cross-street that could be used to re-direct the traffic flow. Commissioner Hollins and Tate said they did not support a partial one-way street in this area. Commissioner Currie also suggested allowing the new, wider portion of the pavement to begin at the top of the hill away from the Marshall property. Mr. Nalley said staff did not recommend this unless the street were only open to one-way traffic due to possible safety concerns caused by the narrow width of the existing paved portion of the roadway.

Patsy Brison, an attorney representing the Marshall family, also referred to the revised paving plans and noted that it was not a sealed survey showing verified property and right-of-way boundaries. She claimed that the grading and paving associated with the project would have a significant negative impact on the value of the Marshall property, and that it would increase the non-conformity of the home by forcing the removal of the existing off-street parking area. She stated that the grading portion of the project would affect the Marshall family's existing path from their parking area to their front porch and would require the removal of a large white oak tree and other mature plants. She also said she was not aware of any historical data or police reports indicating that there had been any traffic accidents on Woodland Road. Ms. Brison further stated that the stormwater runoff control measures included in the revised paving plan would not benefit the Marshall property. She believed that it would be possible for the Town to install these measures in a way that benefitted the properties which had need of them without impacting the Marshall property and without paving Woodland Road. She also pointed out that the drainage measures included in the revised paving plans did not include information on the annual maintenance costs of the proposed rain garden area. Ms. Brison continued by stating that the Woodland Road paving project would be a costly and unnecessary expense for the Town. She claimed that Woodland Road did not account for a significant percentage of the Town's Powell Bill appropriation, and that these funds themselves did not account for a large portion of the Town's annual revenues. She stated that the minimum 16' road width required for Powell Bill eligibility was based on an average road width, one she felt could be achieved by widening a different portion of the road and leaving the Marshall property unaffected if the Board chose to move forward with the paving portion of the project. She also said she would be unable to attend next week's meeting and asked the Board to delay any final action on this matter until the October Town Council Meeting.

In response to Commissioner Hollins' questions about grading area, Ms. Johnson stated that while the large white oak tree near the Marshall property would have to be removed, there would be minimal impact to the remaining landscaping. Commissioner Currie pointed out that the Marshall family's home had been constructed in a location that placed the front entrance only a

few feet away from the public right-of-way boundary. She also noted that the Woodland Road project had not been selected for completion randomly, but rather in response to several years of requests by other property owners in the area that wanted the Town to pave the road and address its drainage problems. Commissioner Hollins said he would prefer that the road remain unpaved, but asked that if the Board voted to approve the project that the road should remain open to two-way traffic and be paved to a consistent 16' width for safety reasons.

Martha Neville was recognized and said that she had no knowledge of any accidents on Woodland Road. She asked that the road remain unpaved to prevent increased traffic speeds in the area

Mr. Nalley suggested adding further discussion of the Woodland Road paving project to the Town Council Meeting agenda. The Board agreed by consensus.

Texas Road Bridge Replacement: The North Carolina Department of Transportation's Bridge Maintenance Program has not yet responded to the Town's grant application for funding for the Texas Road bridge replacement project.

Water Agreement: Staff prepared an updated draft of the water agreement with the Town of Black Mountain, incorporating revisions discussed at the August Town Council Meeting. A response from Black Mountain Mayor and Town Manager has not yet been received.

Flood Plain Mapping and Flood Damage Prevention Revisions: The North Carolina Department of Natural Resources completed final floodplain maps for Montreat. The Town will be required to adopt these maps, along with any necessary revisions to the Flood Damage Prevention Ordinance no later than January 6, 2010. Staff will forward these items to the Planning and Zoning Commission for review, with a Public Hearing on this matter requested at the October Town Council Meeting.

Administrative Reports

Police Chief: Chief McClintock said he would give his monthly departmental activity report at next week's meeting.

Public Works Director: On Mr. Caldwell's behalf, Mr. Freeman reported on the following items:

- Due to the upcoming Labor Day holiday, garbage and recyclable item collection will be delayed until Tuesday, September 8.
- Bi-weekly sanitation collection ended on August 28. Garbage and recyclables will be collected on Mondays only until May 28, 2010.
- The Appalachian Way paving project is underway. Detours can be expected for the next three to six weeks while this project is completed.

Discussion was heard concerning the possibility of allowing parking along one side of Appalachian Way. Mr. Nalley advised that if the Council chose to allow this, the roadway would need to be widened an additional seven feet, which would require removal of certain trees and possibly a deed from Montreat College for a portion of their property bordering Appalachian Way. After further discussion, the Board agreed by consensus not to pursue the installation of additional off-street parking in this area.

Finance Officer: Mr. Stackhouse presented and reviewed the final July 2009 Financial Statement. The preliminary August 2009 Financial Statement will be presented at next week's meeting. He also said that $500,000 had been withdrawn from the Town's North Carolina Capital Management Trust account and invested in several 60-day and 90-day Certificates of Deposit with Asheville Savings Bank. He explained that he selected Asheville Savings Bank because it offered the highest interest rates of any local banking institution.

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 asked for a report on what action was or could be taken to provide a more direct means of contacting the Montreat Police Department than using the Town of Black Mountain's current phone system or dialing 911. Mr. Nalley said he would continue encouraging callers needing to report a true emergency to use 911, and for other callers to use the dispatch system as a means of tracking important information concerning police department activity. Commissioner Currie maintained that Black Mountain's current phone system was overly cumbersome to use and caused an unacceptable delay when trying to reach the on-duty officer. Commissioner Hollins felt that Black Mountain officials would likely require callers from Montreat to use the same phone system as their own residents. Mr. Nalley offered to contact the Town of Black Mountain and ask if changes could be made to their phone system so that emergency personnel could be accessed more quickly.

Commissioner Currie also asked for details of a recent arrest made by Montreat Police Officers. Chief McClintock explained that two young men were arrested for stealing multiple items of personal property and merchandise from McAllister Gym, Davis Dormitory and the Montreat Bookstore. He said an investigation is ongoing to determine whether these individual may also be responsible for several thefts from residential properties over the past few months.

Commissioner Hollins had no report at this time.

Commissioner McCaskill had no report at this time.

Commissioner Tate asked for approval of a $100 donation to Asheville Greenworks. Mr. Nalley explained that this donation was already included in the current fiscal year's budget.

Public Comment

Wade Burns suggested that allowing Woodland Road to remain in its current narrow, unpaved state may serve as a natural traffic calming measure and safety measure. He stated that in his experience, adding devices such as speed bumps or humps to an existing street often did not produce satisfactory results.

Old Business

Proposed Revisions to Montreat Zoning Ordinance Article IX – Off-Street Parking and Loading Regulations: Mr. Nalley briefly reviewed the proposed revisions to the Town's off-street parking and loading regulations and noted two significant changes to the current language as follows:

- Residential parking space requirements would be based on both heated square footage and number of bedrooms, whichever was greater.

- The maximum permitted slope of commercial or institutional parking areas and access lanes was raised from 14% to 16%. The maximum slope of residential parking areas and access lanes was raised from 14% to 20%.

Mr. Currie noted that no additional changes to the proposed ordinance revision text had been made since the August 13 Town Council Meeting.

Proposed Revisions to Montreat Subdivision Ordinance: Mayor Taylor said that at next week's meeting, the Board would consider a motion to call for a Public Hearing to discuss proposed changes to the Montreat Subdivision Ordinance at the October 8 Town Council Meeting. Mr. Nalley pointed out that staff had completed the updates to the draft language requested at the August 24 Special Meeting.

New Business

Request to Close a Portion of Public Right-of-Way at Big Piney Trail and Greybeard Trail: Mr. Nalley said the Town had received a request from several property owners along a section of right-of-way commonly known as Big Piney Trail asking that the Board consider closing the portion of right-of-way closest to the Greybeard Trail intersection. He reviewed the included petition and attached survey map, as well as an aerial photograph of the subject area obtained by staff from Buncombe County's Geographic Information System (GIS). Mr. Nalley also explained the statutory procedure for road and right-of-way closures and said staff would ask the Board to decide next week whether staff should prepare a Resolution of Intent for consideration at the October Town Council Meeting.

Proposed Revisions to Town of Montreat Fee Schedule: Mr. Currie said that certain permitted activities involving multiple building trade inspections required limited time to perform and may not justify charging full permit fees for the associated multiple trades. He explained that it had become his practice in these cases to charge only a single-trade inspection fee of $100 for these permits and recommended a revision to the Town's Fee Schedule to formalize this practice. Other requested revisions included incentives for the use of "green" and sustainable practices that lessened negative impacts on the Town's resources, inclusion of adopted stormwater permitting fees, and correction of minor typographical errors.

Proposed Revisions to Montreat General Ordinance Chapter J – Building Codes, Article I "Building Regulations": Mr. Currie said staff had discovered inconsistencies and missing provisions in the sections of the Montreat General Ordinances regulating building construction to be corrected as follows:

- The Town Fee Schedule should be correctly referenced in the ordinance as the document setting permit fees.

- The North Carolina Building and Plumbing Codes should be referenced more concisely, using language that more clearly indicates that the most recent version of the entire Building Code is automatically adopted and in force each time new updates are published.

- Inclusion of statutory guidelines and a monetary threshold for the extent of work which requires a building permit

- Incorporation of incentives, including reduced fees or partial permit fee rebates to builders and property owners that incorporate sustainable building practices, materials and technology within the Town, consistent with those provided in the Hillside Development and Stormwater Management Ordinances

During discussion, Mayor Pro Tem Nichols asked about the potential heights and location of vertical-axis wind turbines. Mr. Currie explained that more cylindrical, less obtrusive styles of wind turbines were now available that could be placed on or near a residential structure as a supplemental energy source. Height limitations were not determined and would be based largely on the location of the structure and the size of the area it was intended to serve. He stated that while there may be only a few locations in Montreat where these structures were feasible, they were referenced in his ordinance revisions so as not to prohibit their future use if a practical structure design and location was determined.

Proposed Montreat Zoning Ordinance Text Amendments: Mr. Currie advised that following the adoption of hillside development regulations, staff discovered that certain amendments to the Zoning Ordinance were necessary to ensure consistency between the two documents. Upon review by the Planning and Zoning Commission, the following amendments were recommended:

Section 501 Definitions.

Building Height. Deletion of the existing definition language, to be replaced with "The vertical distance measured from average natural grade encompassing the living areas of a structure to the highest point of its roofline, or from the top of the parapet or roof surface for flat-roofed structures. Carports, garages, decks and other non-inhabited additions to structures that may increase the building footprint are not included in calculation of average natural grade."

Natural Finished Grade: Deletion of "Finished" from the term name. No changes were made to the definition associated with this term.

Section 624 Regulations for Cut and Fill Slopes.

Deletion of the existing definition language, to be replaced with "Cut and fill slopes shall not exceed a 1:1 cut and 1:1.5 fill (horizontal distance**:**vertical distance). However, if stable exposed rock is the intended result, the cut and/or fill slope(s) may be increased with approval of the Code Administrator and supporting recommendation from a North Carolina-registered professional engineer."

Public Comment

There were no comments from the public at this time.

Meeting Dates

Mayor Taylor announced the following upcoming meeting dates:

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
Special Meeting - Community Emergency Preparedness:	September 24, 2009, 4:00 p.m., Kirk Allen Building

Agenda Item Deadline:	September 25, 2009, 4:30 p.m., Town Services Office
Agenda Packets Available:	September 29, 2009 Town Services Office
October Agenda Meeting:	October 1, 2009, 7:00 p.m., Kirk Allen Building
October Montreat Landcare Committee Meeting:	October 6, 2009, 9:30 a.m., Andy Andrews Gallery
October Town Council Meeting:	October 8, 2009, 7:00 p.m., Kirk Allen Building
October Planning and Zoning Commission Meeting:	October 15, 2009, 7:00 p.m., Kirk Allen Building

Commissioner Currie requested that staff give their full monthly reports at both the Agenda and Town Council Meetings in order to give adequate time for the Board to ask questions and discuss any issues arising from those reports. Mayor Pro Tem Nichols expressed his disappointment in the research methods used to select a banking institution for the Town's Certificates of Deposit. Mr. Nalley said he would discuss both of these issues with the appropriate staff members.

Closed Session

Commissioner Hollins moved that Council enter into Closed Session in accordance with North Carolina General Statute §143-318.11(5) to discuss proposed acquisition of real property. Commissioner Tate seconded and the motion carried 5/0. No action was taken during the Closed Session.

Adjournment

There being no further business to discuss, Mayor Pro Tem Nichols moved to adjourn the Agenda Meeting. Commissioner McCaskill seconded. The motion carried 5/0 and the meeting was adjourned at 8:57 p.m.

Letta Jean Taylor, Mayor	Misty R. Gedlinske, Town Clerk