

**Town of Montreat
Board of Commissioners
Town Council Meeting
September 10, 2009 – 7:00 p.m.
Kirk Allen Building**

The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on September 10, 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. Approximately 20 members of the public were also present. After calling the meeting to order, Mayor Taylor led the group in reciting the Pledge of Allegiance. Montreat Conference Center President Pete Peery 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

Mr. Currie said that as part of the short-term goals set forth in the Comprehensive Plan Implementation Matrix, the Planning and Zoning Commission had been asked to review residential off-street parking regulations and make a recommendation for possible revisions. He explained that during that process, it was discovered that existing language setting a maximum slope limit of 14% for all parking areas and access lanes needed further clarification. He said that while the Planning and Zoning Commission ultimately chose to recommend removal of this language, the Board of Commissioners had directed staff to re-insert language setting a maximum slope threshold for any area to be considered as an off-street parking area due to certain safety concerns. Mayor Taylor then opened the Public Hearing on this matter.

Mountain Retreat Association President Pete Peery presented a General Warranty Deed to the Town for a lot located near the Harmony Lane water tower. Mr. Peery then said that while he realized the proposed off-street parking ordinance revisions dealt primarily with residential areas, he still had concerns about several aspects of the proposed ordinance revisions which he felt may have negative impacts on any future renovations or additions to the MRA's facilities. He felt that the proposed requirement for a 24'-wide entranceway was unnecessary and not in keeping with Montreat's character. He referred to several existing driveways and entrances to MRA facilities which were steeper than the proposed 16% slope limit and that he felt were not posing any current safety hazards. Mr. Peery further claimed that the majority of parking spaces in the Lake Susan area would be eliminated if right-of-way areas were no longer allowed to be used for off-street parking. He also listed several of the MRA's buildings that he believed would be required to significantly increase their number of off-street parking spaces if they were no longer

allowed to share those spaces with other facilities or if their off-street parking space requirements were increased as stated in the proposed ordinance language.

Wade Burns used several charts and diagrams he had created of various MRA facilities that use the Anderson Auditorium parking lot to compare the number of existing spaces with the amount of additional parking that would be required under the proposed ordinance revisions. He claimed that the Anderson Auditorium lot would need to be six times larger than its current size to provide those additional parking spaces. Mr. Burns read selected text from the "Parking Overview" section of the Comprehensive Plan which he felt indicated that the majority of Montreat residents agreed that occasional parking congestion was preferred over the environmental impact that construction of a significant amount of additional parking facilities would cause. He also referred to a preliminary site plan for a proposed new lodge on MRA property and indicated that a significant amount of slope disturbance would be needed on this site to provide the amount of parking required by the proposed ordinance revisions. He asked that the suggested parking requirements for this and other similar facilities be revised to a more reasonable level with less land disturbance needed to comply with those ordinance provisions.

Planning and Zoning Commission Chair Mary Standaert stated that the current off-street parking regulations had been in effect since 1999, with certain revisions impacting administrative offices and educational buildings made in 2001 and 2002 during the time that Mr. Burns was Chair of the Commission. She reiterated that the purpose of tonight's Public Hearing was to discuss only residential parking regulations. She pointed out that the inclusion of maximum slope restrictions for any area to be designated as off-street parking was not part of the Planning and Zoning Commission's original revision recommendation. She said that several Commission members had felt that this requirement, in combination with the recently-adopted Hillside Development Ordinance's provisions may be overly restrictive. She explained that staff had felt that a maximum slope percentage limitation for off-street parking areas was necessary for safety reasons, and that the Board of Commissioners had asked that staff add language to this effect to an updated ordinance revision draft. Mrs. Standaert said her preference would be for Section 900.4 of the proposed revisions to be removed in its entirety, but said that even if this section remained in the final adopted language its provisions were less restrictive than the current ordinance language.

Mr. Peery asked whether the proposed ordinance language concerning access lanes would be interpreted to state that those above a 16% maximum slope could not be used as off-street parking areas or if they would be prohibited completely. Staff agreed that this wording could be confusing and agreed to revise this section further if the Board wished. Hearing no further comments, Mayor Taylor then closed the Public Hearing on this matter.

Presentation to Council: Steve Aceto – Metropolitan Sewerage District

Metropolitan Sewerage District (MSD) Board Chair and Montreat Representative Steve Aceto reported that because of an overall decrease in water consumption and current economic conditions, MSD's current fiscal year budget included a 3.75% rate increase in order to continue

the sewer line replacement goals set forth in their agency's Capital Improvements Plan. Average monthly sewer rates were expected to increase by \$0.85 per household as a result of the rate change. Continued efforts were also being made to adjust industrial sewer treatment rates to make them more equal to residential rates. Mr. Aceto listed both the current and projected construction expenses and said that the District's operational and maintenance budgets were expected to continue to decrease over time. He also noted that MSD employees had chosen to forego salary increases in exchange for health insurance coverage that included retiree benefits. Mr. Aceto completed his presentation by reviewing the number of work orders, average response time and average service call length in Montreat over the past year.

Communications From the Mayor

Mayor Taylor reported on the following items:

Emergency Preparedness Planning: The Board will hold a community emergency preparedness workshop on September 24 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.

Mayor Taylor also thanked Mr. Peery and the Mountain Retreat Association for the General Warranty Deed to the Harmony Lane well site property.

Review of the Consent Agenda

Mr. Nalley said that with the adoption of the Consent Agenda, the Board had approved the minutes of the August 6, 2009 Agenda meeting and August 13, 2009 Town Council Meeting.

Communications From the Town Administrator

Mr. Nalley gave updates on the following items:

American Recovery and Reinvestment Act of 2009 Funding: The General Warranty Deed from the Mountain Retreat Association, combined with approximately \$300,000 in water system funding from the State of North Carolina, will allow the Town to begin work on the new Harmony Lane well site. Because the Town did not receive full funding for the Greybeard Trail well site, staff is researching alternate ways to complete this project and link the wells to the existing water system.

Real Property Purchase: A Closed Session was planned for later in the meeting to allow the Board to discuss this matter, with probable action to be made upon the Council's return to open session.

Texas Road Bridge Replacement: Staff is still awaiting a response from the North Carolina Department of Transportation's Bridge Maintenance Program for possible grant funding for this project.

Water Agreement: Staff is awaiting a response from the Town of Black Mountain's Mayor and Town Manager concerning an updated draft of revisions to the water exchange agreement between Black Mountain and the Town of Montreat.

Town of Black Mountain Telephone System Changes – Police Dispatch Numbers: After contacting the Town of Black Mountain in response to concerns heard at last week's Agenda Meeting about the changes to Black Mountain's telephone system, staff has learned that the contact numbers traditionally used to contact the emergency dispatch officer were still in effect. Commissioner Hollins asked that this number be added to the Montreat Police Department's voicemail greeting language.

Administrative Reports

Police Chief: Chief McClintock gave his departmental activity report for the month of August. He noted a marked increase in the amount of bear activity in the area, which he said local National Wildlife Federation officials predicted even more of over the next two years. He also reported that two young men had been arrested for stealing multiple items of personal property and merchandise from McAllister Gym, Davis Dormitory and the Montreat Bookstore. He said that it had not yet been determined whether these individuals were also responsible for the recent series of thefts from residences.

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

- Recycling collection amounts had increased by nearly two tons over the same time period last year.
- Plastic bottles would be banned from the Buncombe County Landfill beginning October 1. Staff is working to educate both residential and Institutional sanitation customers about this upcoming change.
- The Appalachian Way paving project is still underway despite recent rain delays.
- Drain pipes and catch basins are being installed on Mecklenburg Circle to address stormwater runoff issues in this area.
- The Town's well pumps are running between five and seven hours daily, and Public Works Department staff will be flushing the water lines in some areas to resolve any remaining air complaints.
- Staff has received the necessary permits from the North Carolina Division of Water Quality for the Providence Terrace water line installation project.

Finance Officer: Mr. Stackhouse presented and reviewed the final July 2009 and preliminary August 2009 Financial Statements.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and building inspections report for the month of August. He advised that the Planning and Zoning Commission had begun their evaluation of the Woodland and R-3 Zoning Districts to determine whether the permitted uses listed required possible revisions to adequately manage growth outside of the Town. Mr. Currie also reported that the Board of Adjustment had approved Towers XX's Conditional Use Permit request to construct a monopine cellular telecommunications tower on the South Carolina Home, as well as the De Luzuriaga family's variance request to construct a second floor master bathroom addition and front porch extension within the front and side yard setback areas of a non-conforming improved lot located at 420 Kentucky Road.

Commissioner Reports

None of the Commissioners had a report at this time.

Public Comment

Wade Burns said he was disappointed that the Board did not choose at this meeting to forward the proposed off-street parking regulations pertaining to boarding houses and lodges to the Planning and Zoning Commission for further review. He hoped that the Commission would consider this matter in the near future. He also felt that the suggested changes to the Zoning Ordinance were in conflict with the goals of the Comprehensive Plan and questioned whether the amount of site disturbance needed to provide as many parking spaces as these revisions called for was truly necessary or desired.

Pete Peery re-emphasized that while he understood that the proposed revisions to the Zoning Ordinance's parking regulations were primarily focused on residential areas, he was still concerned about their potential negative effect on the MRA's future renovation and construction plans. He also stated it would be very difficult for either he or his staff members to attend Planning and Zoning Commission or Town Council meetings during the summer months due to the demands of the conference season.

Mary Standaert emphasized that the Zoning Ordinance had included off-street parking regulations for a number of years. She reiterated that the Planning and Zoning Commission's focus had only been asked to review residential off-street parking regulations, and said that it was not the Commission's intent to undermine the Mountain Retreat Association or Montreat College's operations.

Old Business

Proposed Revisions to Montreat Zoning Ordinance Article IX – Off-Street Parking and Loading Regulations: Mr. Nalley said that the Zoning Ordinance’s existing maximum slope limits for off-street parking and loading areas had been interpreted as pertaining primarily to Institutional properties. He explained that, rather than the ordinance not being enforced, neither the Conference Center nor College had undertaken any building projects to which these regulations would apply. He also suggested that it may be beneficial to forward the entire Zoning Ordinance section addressing off-street parking regulations to the Planning and Zoning Commission for a review of its potential impact on Institutional properties. Commissioner Hollins agreed that certain aspects of the ordinance needed further review in this regard. Mayor Pro Tem Nichols stressed the importance of having a representative from both the MRA and Montreat College present at Planning and Zoning Commission and Town Council meetings. Commissioner Currie felt strongly that it was not the Board’s intent to create an ordinance that was adversarial to either the College or MRA, rather to address certain lingering residential parking issues. She suggested that the Board adopt the proposed ordinance revisions as presented at this meeting and then forward the entire revised text of Article IX to the Planning and Zoning Commission for review of its impact on Institutional properties. Commissioner Currie then moved to adopt Ordinance #09-09-0001 Amending Montreat Zoning Ordinance Article IX – Off-Street Parking and Loading Regulations. Mayor Pro Tem Nichols seconded. During discussion, Commissioner Hollins felt that if further changes should be made to this ordinance section, those changes should be done before further amendments were adopted. The motion carried 4/1 with Commissioner Hollins voting in opposition.

Proposed Revisions to Montreat Subdivision Ordinance: Mr. Currie said that staff had been working with the Planning and Zoning Commission in recent months to develop revisions to the Montreat Subdivision that would allow conservation subdivisions as a design option. He advised the most recent draft of the proposed revisions incorporated direction from the Board of Commissioners concerning the minimum practical size for conservation subdivisions as well as ownership and maintenance of their related open spaces. After brief discussion, Mayor Pro Tem Nichols moved to call for a Public Hearing on October 8, 2009 at 7:00 p.m. or as soon thereafter as possible to discuss proposed revisions to the Montreat Subdivision Ordinance. Commissioner Hollins seconded and the motion carried 5/0.

Woodland Road Paving Project: Mr. Nalley reviewed the revised paving plans for the Woodland Road project presented and last week’s Agenda Meeting and summarized the changes made since the preliminary plans were presented. He stated that the revised plans consisted of widening the road to 16 feet of paved surface throughout its entire length and installing a rain garden to control stormwater runoff and prevent flooding on certain residential lots. He noted that the landscaped “islands” previously included for use as traffic calming devices had been removed from the revised paving plans.

Discussion was then heard concerning how the Board wished to proceed with the project. Commissioner McCaskill believed that the proposed stormwater runoff control measures should be done regardless of whether the road was paved. Commissioner Hollins felt strongly that the project should be cancelled or at least postponed. He believed that other paving projects such as Assembly Drive, Texas Road, Peace Lane, South Carolina Terrace and the upper portion of Kentucky Road should be completed first. He also felt that paving Woodland Road would remove a large number of trees and other existing vegetation and significantly alter the character of the road. He recommended completing only the stormwater control measures and leaving the roadway unpaved. Commissioner Currie did not believe that the Powell Bill was a significant enough source of revenue to the Town to dictate the paved width of Woodland Road. She said she felt it was important to consider the Board's prior commitment to those residents on Woodland Road that had asked for the road to be paved. She suggested that the road could be paved to a narrower width and in such a way that preserved more vegetation and did not disrupt the neighborhood's character. She also asked that the Board consider starting the new paving after the end of the existing paved portion so that the Marshall property would not be affected, and to consider restricting the traffic flow on Woodland Road to one-way only.

In response to Mayor Pro Tem Nichols' questions, Mr. Nalley estimated that the Town received between \$40,000 and \$45,000 annually in Powell Bill reimbursements. He also explained that the Powell Bill's 16' road width requirement was based on an average width along the entire roadway, and said that all of the Town's publicly maintained streets were currently listed on the Powell Bill Map. Mayor Pro Tem Nichols felt that the portion of the total Powell Bill reimbursement funds attributed to Woodland Road was not a substantial amount, and supported moving forward with paving the road in a way that removed fewer trees and did not disturb the Marshall property. He also asked for confirmation of the priority assigned to the Woodland road paving project in the Town's current Capital Improvements Plan. Mr. Nalley replied that Woodland Road was not originally planned for the current fiscal year but had been moved forward in priority at the Board's request. Commissioner Tate said he was mainly concerned with safety issues on Woodland Road. He suggested that in addition to whatever decision the Board reached concerning the paving of the road, the speed limit should also be lowered to 10 miles per hour in this area. Mr. Nalley advised that the Board should also consider how the recently adopted Town-wide street standards may affect this project when making their decision. Commissioner Currie asked if the Board could hold a workshop meeting to discuss this matter further and make a final decision on whether to pave the road and what the final paving design plan should be. The Board agreed by consensus. Mayor Pro Tem Nichols then moved to proceed with the proposed stormwater control measures for Woodland Road. Commissioner Hollins seconded and the motion carried 5/0. Mayor Taylor said the Board would set a special meeting to make a final decision on the paving portion of the Woodland Road project during discussion of upcoming meeting dates toward the end of the 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 the right-of-

way commonly referred to as Big Piney Trail asking that the Board consider closing the portion of the right-of-way closest to the Greybeard Trail intersection. He referred to a petition signed by several of the property owners detailing this request. Ronald Sneed, a local attorney representing the petitioning property owners, gave his understanding of the process required for the Board to hear and possibly grant the requested right-of-way closure. He explained that the street currently known as Big Piney Trail was not constructed in the location originally intended, resulting in a section of unopened right-of-way which he claimed was not currently being used for any public purpose. Mr. Sneed provided copies of a sample Resolution of Intent he had prepared, along with copies of a Buncombe County tax map and a survey depicting the subject area. He stated that his intention at tonight's meeting was to ensure that the Board had enough information to proceed with their consideration of his clients' request.

Commissioners Currie and Hollins asked Mr. Sneed to provide some of the reasons behind his clients' request. Mr. Sneed said he understood that his clients were concerned that any future street constructed in this area would be very close to some of their homes. He also said that there were several trails already constructed within the right-of-way that his clients would enjoy being able to access from their properties. Mr. Sneed also stated that a utility easement granting access to the water and sewer lines placed in the right-of-way would be provided to the Town if the Board chose to grant the closure request. Mrs. Pamela Reinhart, one of the property owners requesting the closure, stated that her home had been built within less than three feet of the right-of-way boundary and would be negatively affected by any future road construction in this area. Commissioner Tate said that he would like to preserve any existing trails in this area as public access to the Town's wilderness areas. Mayor Pro Tem Nichols said he was not in favor of granting the closure because he could not predict what the Town's future needs may be in this area. Commissioner Hollins agreed, and said he believed this issue had been presented to the Board several years ago, who had at that time refused to consider it. Mayor Pro Tem Nichols moved to direct Town staff to prepare a Resolution of Intent to close the portion of public right-of-way known as Big Piney Trail and directing a notice of Public Hearing for consideration at the October Town Council Meeting. Commissioner McCaskill seconded. During discussion, Mayor Pro Tem Nichols explained that he would like to give the public an opportunity to discuss this matter, but said that he would not ultimately vote to approve the closure request. Commissioner Currie asked if the right-of-way could be dedicated into Open Space conservation or greenspace. Mr. Nalley explained that if the Board felt there was a valid public use of the right-of-way he would not recommend proceeding with the closure request. Mr. Sneed then announced that his clients would withdraw their request. Mayor Taylor then called for a vote on this matter. The motion failed 1/4 with only Mayor Pro Tem Nichols voting in favor.

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. During discussion, Commissioner McCaskill noted that Montreat's permitting and inspection fees were higher than some neighboring municipalities. Mayor Pro Tem Nichols explained that the Revenue Source Committee had recommended increases to permitting and inspection fees as a means of ensuring that the costs of these services were funded by user-based fees rather than property tax revenues. After brief further discussion, Commissioner Currie moved to call for a Public Hearing on October 8, 2009 at 7:10 p.m. or as soon thereafter as possible to discuss proposed revisions to the Town of Montreat Fee Schedule. Commissioner Tate seconded and the motion carried 5/0.

Proposed Revisions to Montreat General Ordinance Chapter J – Building Codes, Article I “Building Regulations”: Mr. Currie presented revisions to sections of the Montreat General Ordinances regulating building construction which he explained would correct certain inconsistencies and missing references to the most recent edition of the North Carolina Building and Plumbing Codes, include references to statutory guidelines and provide a monetary threshold for the extent of work requiring a building permit, and incorporate certain incentives for projects incorporating sustainable building practices, materials and technology. Commissioner Currie moved to call for a Public Hearing on October 8, 2009 at 7:20 p.m. or as soon thereafter as possible to discuss proposed revisions to Montreat General Ordinance Chapter J – Building Codes, Article I “Building Regulations.” Commissioner Hollins seconded and the motion carried 5/0.

Proposed Montreat Zoning Ordinance Text Amendments: Mayor Pro Tem Nichols moved to call for a Public Hearing on October 8, 2009 at 7:30 p.m. or as soon thereafter as possible to discuss proposed text amendments to the Montreat Zoning Ordinance. Commissioner Currie seconded and the motion carried 5/0.

Public Comment

Pete Peery stated he would have difficulty determining the best staff member to serve as the Conference Center's representative at Planning and Zoning Commission or Town Council meetings due to certain conflicts of interests among members of the MRA Board. He suggested that it may be helpful for the Town to notify MRA and Montreat College representatives of any upcoming issues that may affect Institutional properties. Mr. Peery also clarified that his attendance at tonight's meeting was in response to proposed ordinance revisions affecting the MRA's operations and not related to the upcoming election.

Mary Standaert said that during her time as Chair of the Planning and Zoning Commission she had been surprised to learn the amount of interaction between that Commission and the Town Council. She referred to the off-street parking regulations adopted at this meeting as an example of how ordinance revisions could sometimes undergo significant changes between the initial amendment recommendation and final adoption. She encouraged consistent attendance by any interested parties as being beneficial to both Boards as new ordinances or revisions to existing regulations were considered.

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Wade Burns said he hoped the Board could appreciate that the diagrams and charts he presented tonight were intended to aid their understanding of the impact of the proposed off-street parking regulations. He also said he had been surprised at how much the Anderson Auditorium parking lot would need to increase to comply with the proposed requirements.

Meeting Dates

After brief discussion, the Board agreed by consensus to hold a special meeting on September 29, 2009 at 4:30 p.m. in the Town Services office to discuss the Woodland Road paving project. Mayor Taylor then announced the following upcoming meeting dates:

<u>September Planning and Zoning Commission Meeting:</u>	September 17, 2009, 7:00 p.m., Kirk Allen Building
<u>Special Meeting - Community Emergency Preparedness:</u>	September 24, 2009, 4:00 p.m., Kirk Allen Building
<u>Agenda Item Deadline:</u>	September 25, 2009, 4:30 p.m., Town Services Office
<u>Agenda Packets Available:</u>	September 29, 2009 Town Services Office
<u>Special Meeting – Woodland Road Paving Project Discussion:</u>	September 29, 2009, 4:30 p.m., Town Services Office
<u>October Agenda Meeting:</u>	October 1, 2009, 7:00 p.m., Kirk Allen Building
<u>October Montreat Landcare Committee Meeting:</u>	October 6, 2009, 9:30 a.m., Andy Andrews Gallery
<u>October Town Council Meeting:</u>	October 8, 2009, 7:00 p.m., Kirk Allen Building
<u>October Planning and Zoning Commission Meeting:</u>	October 15, 2009, 7:00 p.m., Kirk Allen Building

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 McCaskill seconded and the motion carried 5/0. No action was taken during the Closed Session.

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Upon returning to open session, Commissioner Hollins moved to approve the agreement between the Town of Montreat and Montreat College for acquisition of real property dated September 10, 2009. Commissioner McCaskill seconded and the motion carried 5/0.

Adjournment

There being no further business to discuss, Commissioner Currie moved to adjourn the Town Council Meeting. Mayor Pro Tem Nichols seconded. The motion carried 5/0 and the meeting was adjourned at 9:35 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk