Town of Montreat
Board of Commissioners
Agenda Meeting
October 1, 2009 – 7:00 p.m.
Kirk Allen Building

The Montreat Board of Commissioners held their regularly scheduled Agenda Meeting on October 1, 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, 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. Six 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 Hearings

Mayor Taylor advised that the Council would hold Public Hearings on the following matters at next week's meeting:

Proposed Revisions to Montreat Subdivision Ordinance: Mr. Currie said staff had worked with the Planning and Zoning Commission to complete proposed revisions to the Subdivision Ordinance that would allow conservation subdivisions as a design option. Commissioner Currie confirmed that no changes to the proposed revisions had been made since the August 24 Special Meeting.

Proposed Revisions to Town of Montreat Fee Schedule: Mr. Currie said that the proposed revisions to the Montreat Fee Schedule included amendments to charge only a $100 single-trade inspection fee for certain multiple-trade inspections requiring minimal time to perform, as well as inclusion of incentives for the use of "green" and sustainable building practices that lessened negative impacts on the Town's resources. Additional amendments were proposed in order to include stormwater permitting fees and newly-enacted mattress disposal fees, as well as to correct certain minor typographical errors.

Proposed Revisions to Montreat General Ordinance Chapter J, Article I "Building Regulations": Mr. Currie explained that the section of the Montreat General Ordinances regulating building construction needed revisions in the following areas:

- To enable automatic adoption of the entire current version of the North Carolina State Building Code
- To achieve consistency with the Town of Montreat Fee Schedule

- To clarify the scope of work and monetary project threshold requiring issuance of a building permit for single-family residential construction projects based on current statutory guidelines
- To include incentives for the use of sustainable building practices, materials and technology through reduced fees or partial permit fee rebates

During discussion, Commissioner Hollins asked that the term "s/he" be replaced with "the Inspector." After brief discussion, the Board agreed by consensus to this change. Commissioner Hollins also referred to "Article II – Condemnation" and asked what enforcement procedures or options were available once the Building Inspector and Mayor had completed their survey of a dangerous building or structure. Staff agreed to research current statutory condemnation enforcement procedures for possible further consideration or revisions to the ordinance language.

Proposed Revisions to Montreat Zoning Ordinance Section 501 "Building Height" Definition, "Natural Grade" Definition and Section 624 "Cut and Fill Slope" Regulations: Mr. Currie advised that the following revisions to Sections 501 and 624 of the Montreat Zoning Ordinance were needed for consistency with the Town's recently adopted hillside development regulations:

> Section 501, Building Height: The current definition was deleted in its entirety and 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."
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> Section 501, Natural Finished Grade: The word "Finished" was removed from the full name of this term. The definition language was left unchanged.
>
> Section 624, Regulations for Cut and Fill Slopes: The current definition was deleted in its entirety and replaced with "Cut and fill slopes shall not exceed a 1:1 cut and 1.5:1 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."

Communications From the Mayor

Mayor Taylor said that several members of the public had expressed interest in additional emergency and disaster preparedness training through Hearts With Hands. The four-hour long "Preparedness is Paramount" (PIP) class focuses on disaster preparedness and requires a minimum attendance of ten people. The "Community Emergency Response Team" (CERT) has 24 contact hours over several days and provides basic information on decision making skills, team organization, rescuer safety, disaster medical assistance, fire suppression, and light search and rescue. Minimum attendance for this course is between ten and 25 people. Mayor Taylor

said she would research suitable class times and locations for these training sessions to be provided locally.

Review of the Consent Agenda

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

- August 24, 2009 Special Meeting minutes
- September 3, 2009 Agenda Meeting minutes
- September 10, 2009 Town Council Meeting minutes

Communications From the Town Administrator

Mr. Nalley gave updates on the following items:

American Recovery and Reinvestment Act of 2009 Funding: The Town has received approximately $535,000 in funding through this Act. The Harmony Lane well site installation has been approved for bidding by The North Carolina Department of Environment and Natural Resources – Public Water Supply Division. Staff is researching additional funding sources to install a new wellsite near Greybeard Trail, as the Town did not receive the total amount requested from the State of North Carolina for this project. Staff also expects official approval of funding for an automated meter reading system in the near future.

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

Water Agreement: This item will be removed from the meeting agenda until Town of Black Mountain's Mayor and Town Manager are able to respond to an updated draft of revisions to the water exchange agreement between the two towns.

Providence Terrace Water Line Extension Project: Staff has received the necessary permits from the North Carolina Division of Water Quality for the Providence Terrace water line installation project, which will be completed during the upcoming winter months. Staff will prepare the preliminary resolutions to begin the property owner assessment process for this project and present them to the Board for approval as soon as possible.

Newt Gingrich Visit Preparation: The Montreat Police Department has been working with Montreat College campus police and other officials to coordinate parking and public security in preparation for Newt Gingrich's lecture and book signing event on October 17.

Public Works Director Hospitalization: Public Works Director Charlie Caldwell has been hospitalized. No confirmation of his diagnosis, treatment or estimated release from medical care is available at this time.

Administrative Reports

Police Chief: Chief McClintock gave his departmental activity report for the month of September and noted a recent increase in thefts from residences and vehicles over the period. He also noted that Officer David Arrant had successfully completed the testing and other prerequisites for promotion to Patrolman 1st Class. The Board agreed by consensus to recognize Officer Arrant's promotion at next month's Town Council meeting.

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

- Garbage and recyclable item disposal amounts increased four tons compared to September 2008
- Bulk items will be collected on October 27 and 28 beginning at 8:00 a.m. There will be a $5 per item charge for mattress and box springs disposal
- Effective October 1, 2009, the Buncombe County Landfill will impose a ban on plastic bottles. Recycling of these items will be mandatory as of this date.
- Sidewalks and drainage improvements have been completed and installed along Appalachian Way. Final grading is underway and paving should begin next week.
- The Town's well pumps are running between four and six hours daily.

Discussion was heard concerning the possibility that the Town's rising sanitation tonnages may be caused by increased amounts of garbage from Black Mountain. Mr. Freeman suggested that one way to address this problem would be to reduce the amount of time the Town's dumpsters were open to public use. Mr. Nalley said that the only way to eliminate this problem completely would be to staff the facility full-time or eliminate public access to the dumpster area. Mayor Pro Tem Nichols suggested having a staff member monitor the dumpster area for a few hours on several days throughout the month. Mr. Nalley said the Town's police officers performed this task when time allowed.

Finance Officer: Mr. Stackhouse presented and reviewed the final August 2009 Financial Statement. The preliminary September 2009 Financial Statement will be presented at next week's meeting. Field work for the 2008-2009 Fiscal Year Audit will be completed by the end of the week, and the final report will be submitted to the Local Government Commission for approval by the end of October. Upgraded fuel purchasing cards for use at the local BP station have been ordered and will be activated soon, along with new fuel purchasing cards that may be used at Burton's convenience store.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and building inspections report for the month of September. He also said that the Planning and Zoning Commission had reviewed and recommended revisions to the Flood Damage Prevention Ordinance and Montreat Zoning Ordinance that would be considered as items of New Business later in this meeting.

Commissioner Reports

Mayor Pro Tem Nichols had no report at this time.

Commissioner Currie asked that the Board consider directing the Planning and Zoning Commission to review the Montreat General Ordinance's noise control regulations for possible revisions to address evening noise complaints during the summer months. She explained that she had been contacted by a number of residents throughout the summer who had complained of excessive machinery noise levels during the early evening hours. Mayor Taylor asked the Commissioners to review the Town's current noise regulations in preparation for further discussion at next week's meeting. She also noted that Montreat College turned off their air conditioning system at 11:00 p.m. each night as a matter of courtesy to surrounding property owners, even though the amount of noise produced by the equipment did not violate Town ordinances.

Commissioner Hollins had no report at this time.

Commissioner McCaskill had no report at this time.

Commissioner Tate had no report at this time.

Public Comment

There were no comments from the public at this time.

Old Business

Mayor Taylor again stated that the Board would hold Public Hearings on the following matters during next week's Town Council Meeting:

- Proposed Revisions to Montreat Subdivision Ordinance
- Proposed Revisions to Town of Montreat Fee Schedule
- Proposed Revisions to Montreat General Ordinance Chapter J – Building Codes, Article I "Building Regulations"
- Proposed Revisions to Montreat Zoning Ordinance Section 501 "Building Height" Definition, "Natural Grade" Definition and Section 624 "Cut and Fill Slope" Regulations

Woodland Road Paving Project Discussion: Mayor Taylor proposed that the Board consider asking the Planning and Zoning Commission to review the Town's street standards regulations to include additional language that would allow streets narrower than 16' in certain situations. She also suggested that the street standards regulations may need to be clarified to specifically address upgrades to existing streets. Mr. Nalley advised that because street standards were set forth in the Town's General Ordinances, either the Board or Town staff could review them and prepare any revisions that may be necessary without involvement from the Planning and Zoning

Commission. He also said that staff had some existing research available concerning the age, paved width and pavement type and condition of the Town's streets that may be useful to the Board. He further offered to research any working examples of "skinny street" designs being used in other locations that may be relevant or applicable to Montreat, and present this information to the Board before a final decision on the Woodland Road project is made. After discussion, the Board agreed by consensus for staff to present their existing research and any additional information they are able to obtain concerning examples of narrow street design being used in other locations.

New Business

Montreat Zoning Ordinance Article IX "Off-Street Parking and Loading Regulations": Mayor Taylor said the Board would formally direct the Planning and Zoning Commission to review the Montreat Zoning Ordinance Article IX "Off-Street Parking and Loading Regulations" for possible amendments pertaining to Institutional and Commercial properties. She also explained the procedure by which Zoning Ordinance amendment requests were handled.

Local Energy Assurance Planning (LEAP) Resolution: Mayor Taylor explained that the Board would consider adoption of this resolution at this meeting due to Land-of-Sky Regional Council's October 7 grant application deadline to the U.S. Department of Energy. Commissioner Currie then moved to adopt Resolution # 09-10-0001 to Support and Participate in Regional Collaboration of County and City Governments to Address Regional Fuel Planning Through the U.S. Department of Energy's Local Energy Assurance Planning (LEAP) Initiative. Commissioner Tate seconded and the motion carried 5/0. Mayor Taylor said she had advised Montreat College and the Mountain Retreat Association about the possibility of funding for non-profit agencies through this initiative. A copy of this Resolution is attached to these minutes and incorporated herein by reference.

Appalachian Development Highway System Resolution: Mayor Taylor explained that this resolution requested the North Carolina General Assembly and United States Congress to exclude Appalachian Development Highway System monies from the North Carolina Department of Transportation's minimum appropriation for Western North Carolina in order to maximize transportation funding to the area.

Right-of-Way Reduction Request – Robert Sulaski, Longmeadow Homes: Mr. Nalley said the Town had received a request from Robert Sulaski for the Board to consider closing a portion of unopened public right-of-way located adjacent to Lot 30 owned by Al Sudduth along Chapman Road. He reviewed the materials attached to Mr. Sulaski's request and indicated the portions of right-of-way dedicated to the Town as part of a February 2008 Offer of Dedication from Montreat College and Longmeadow Homes as well as the section Mr. Sulaski would like to close. Mr. Nalley noted that while Mr. Sulaski proposed that the right-of-way width be reduced to 20', the Town's street standards currently required a minimum right-of-way width of 30' in this area. He also explained the statutory procedures that staff would follow if the Board chose to consider Mr. Sulaski's request.

During discussion, Commissioner Hollins felt that a visit to the site of the proposed right-of-way closure was needed to help his understanding of the potential impacts of the request. Mayor Pro Tem Nichols asked Mr. Sulaski to elaborate on his statements in his September 2, 2009 letter to the Board concerning the marketing and sale of small residential lots in this area and that reduction of the right-of-way in this area would provide the least intrusive means of access to those lots. Mr. Sulaski said he understood that a neighboring property owner intended to market Lot M2, M3, M4, M5, M7 and Lots 33 and 34 for residential sale and development, and that this area was directly adjacent to Mr. Sulaski's home. He stated that he was requesting a reduction in the width of the right-of-way accessing these lots in order to minimize stormwater runoff and vegetation removal near Rainbow Trail and his own property. Commissioner Currie asked whether approval of the requested right-of-way closure would prevent the sale of any residential lots in the area. Mr. Sulaski said that the right-of-way accessing the lots would be narrower but their sale and development would not be prevented. Mayor Taylor encouraged the Board members to visit the proposed right-of-way closure location prior to next week's meeting.

Proposed Revisions to Montreat General Ordinance Chapter K, Article I "Flood Damage Prevention Ordinance": Mr. Currie said the Federal Emergency Management Agency (FEMA) had recently notified the Town that the formal appeal period for the revised Flood Insurance Rate Maps (FIRMs) had ended and that these maps would become effective on January 6, 2010. In order to retain its eligibility for flood insurance, the Town is also required to adopt floodplain management regulations that meet current National Flood Insurance Program (NFIP) standards. Staff met in August with representatives from Buncombe County, Asheville, and other neighboring municipalities to discuss specific requirements and language that should be included in floodplain management regulations for each jurisdiction. The Planning and Zoning Commission reviewed staff's proposed ordinance revisions at their September meeting and recommended their approval as presented. A copy of the draft ordinance was forwarded to Randy Mundt, Acting State NFIP Coordinator for FEMA for review, but no response had yet been received. During his review of the proposed ordinance language revisions, Mr. Currie noted that while most of the changes were in response to FEMA mandates, expansion of the current 20' riparian buffer to 30 feet was a staff recommendation made to ensure conformity with the Town's stormwater management regulations. Mr. Nalley pointed out that the revisions to the Flood Insurance Rate Maps and Flood Damage Prevention Ordinance will have an impact on any future renovation or expansion of several facilities near Lake Susan owned by Montreat College and the Mountain Retreat Association.

Proposed Revisions to Montreat Zoning Ordinance Section 703 "R-3 Residential District": Mr. Currie said that during recent review of Montreat Zoning Ordinance Section 703, the Planning and Zoning Commission identified language that was inconsistent with recent revisions to Montreat's General Ordinances requiring newly-built residential structures to connect to the Town's sewer and water system. The Planning and Zoning Commission recommended removal of the conflicting language of this section, but did not suggest changing the dimensional requirements of lots in the R-3 District due to limited availability of services and the environmentally sensitive nature of these outlying areas. During discussion, Commissioner Currie asked whether the proposed revisions to Section 703 would prohibit the installation of

new private wells and septic systems within Montreat's Extra-Territorial Jurisdiction area. Staff explained that the Town's Ordinance Regulating the Construction and Financing of Public Improvements already prohibited any further installation of private wells water lines or septic systems, and that the revisions to the Zoning Ordinance were simply needed for consistency.

Public Comment

Mary Standaert asked for clarification of the scope of the proposed revisions to Zoning Ordinance Section 703. She said she understood that all new development within Montreat's corporate limits and ETJ area was already required to connect to the Town's public water and sewer system. Staff again explained that the revisions to Section 703 were needed for consistency with the Town's Ordinance Regulating the Construction and Financing of Public Improvements, which did require public water and sewer system connection for all new development.

Martha Louise Neville confirmed that the Board would not vote on the Woodland Road paving project at next week's meeting. She also asked permission for interested homeowners to claim and replant any native rhododendron that would be removed during installation of drainage improvements in this area. Mr. Nalley said that he would first speak to the residents whose properties were affected by the drainage improvements, but agreed that any unwanted native rhododendrons could be claimed and replanted. Ms. Neville then gave a brief history of her interest and involvement in discussion of the Woodland Road project, citing pedestrian safety, destruction of native vegetation and impacts to private property as her main concerns.

Meeting Dates

Mayor Taylor announced the following upcoming meeting dates:

October Town Council Meeting:	October 8, 2009, 7:00 p.m., Kirk Allen Building
October Montreat Landcare Committee Meeting:	October 6, 2009, 9:30 a.m., Andy Andrews Gallery
October Planning and Zoning Commission Meeting:	October 15, 2009, 7:00 p.m., Kirk Allen Building
Fall Bulk Item Collection Dates:	October 27-28, 2009
Agenda Item Deadline:	October 30, 2009, 4:30 p.m., Town Services Office

Agenda Packets Available:	November 3, 2009 Town Services Office
November Montreat Landcare Committee Meeting:	November 3, 2009, 9:30 a.m., Andy Andrews Gallery
November Agenda Meeting:	November 5, 2009, 7:00 p.m., Kirk Allen Building
November Town Council Meeting:	November 12, 2009, 7:00 p.m., Kirk Allen Building
November Planning and Zoning Commission Meeting:	November 19, 2009, 7:00 p.m., Kirk Allen Building
Town Services Office Closed:	November 26-27, 2009 Thanksgiving Holidays

Adjournment

There being no further business to discuss, Commissioner Hollins moved to adjourn the Agenda Meeting. Commissioner McCaskill seconded. The motion carried 5/0 and the meeting was adjourned at 8:30 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk