

**Town of Montreat
Board of Commissioners
Town Council Meeting
October 8, 2009 – 7:00 p.m.
Kirk Allen Building**

The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on October 8, 2009 at 7:00 p.m. in the Kirk Allen Building. Present among the Board were Mayor Letta Jean Taylor, Commissioner Ruth Currie, Commissioner Bill Hollins, Commissioner Jack McCaskill and Commissioner O'Neil Tate. Mayor Pro Tem Eric Nichols was absent. Representing Town Staff were Town Administrator Ron Nalley, Assistant Public Works Director Steve 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

Mayor Taylor noted that New Business Item F had been modified to include revisions to both Section 701 "R-1 Residential District" and Section 703 "R-3 Residential District." Commissioner McCaskill moved to adopt the meeting agenda as presented. Commissioner Hollins seconded and the motion carried 5/0.

Public Hearing: Proposed Revisions to Montreat Subdivision Ordinance

Mr. Currie presented proposed revisions to the Montreat Subdivision Ordinance as recommended by the Planning and Zoning Commission that would allow conservation subdivisions as a design option. He reviewed each section of the proposed ordinance language and noted that the minimum land area considered eligible for conservation subdivision design was five acres, and that once this development option was selected, the developer would not be allowed to revert to a standard subdivision design once the project was underway. He described the minimum lot dimensions proposed for this style of development and percentage of land that must be retained as open space and designated as either primary or secondary conservation areas. He noted that open spaces created through conservation development would be conveyed to the Town for permanent maintenance. He then reviewed the design criteria used to evaluate conservation subdivision applications and proposed open space areas and noted that language had been added to clarify that compliance with existing street standards, stormwater management, public utility connection requirements and hillside development and regulations would apply to subdivision developments. Other proposed amendments included language requiring the applicant to be responsible for all technical review service fees, updated language concerning improvement guarantees to ensure compliance with current North Carolina General Statutes, and provisions allowing the Town the ability to complete any or all unfinished improvements or perform any necessary site stabilization measures in the event of a default.

Mayor Taylor opened the Public Hearing on this matter. No comments from the public or Commissioners were heard. Mayor Taylor then closed this Public Hearing.

Public Hearing: Proposed Revisions to Town of Montreat Fee Schedule

Mr. Currie explained that the proposed revisions to the Montreat Fee Schedule involved amendments to charge only a \$100 single-trade inspection fee for certain multiple-trade inspections that required minimal time to perform, as well as inclusion of incentives for the use of “green” and sustainable 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.

Mayor Taylor opened the Public Hearing on this matter. Philip Arnold was recognized and asked if the Fee Schedule amendments included reduced permitting fees for the use of sustainable building materials and practices. Mr. Currie explained that these items were included in proposed revisions to the Town’s building code regulations to be discussed later in the meeting.

Hearing no further comments, Mayor Taylor then closed this Public Hearing.

**Public Hearing: 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

Mayor Taylor then opened the Public Hearing on this matter. Philip Arnold was recognized and commended the Board for considering incentives that encourage sustainable building practices and materials. He said he would like to see the Town extend these efforts and referred to Austin, Texas and Aspen, Colorado as examples of cities taking steps to encourage high-efficiency appliances and residential construction designs.

Hearing no further comments, Mayor Taylor then closed this Public Hearing.

**Public Hearing: Proposed Revisions to Montreat Zoning Ordinance
Section 501 “Building Height” Definition, “Natural Grade” Definition and
Section 624 “Cut and Fill Slope” Regulations**

Mr. Currie said that following the recent adoption of hillside development regulations, staff became aware that revisions to these sections of the Montreat Zoning Ordinance were needed for consistency between the two documents. He then reviewed the proposed revision text for each section.

Mayor Taylor opened the Public Hearing on this matter. No comments from the public or Commissioners were heard. Mayor Taylor then closed this Public Hearing.

Communications From the Mayor

Mayor Taylor said that she was awaiting a response from Hearts with Hands concerning potential dates and times to hold a four-hour “Preparedness is Paramount (PIP)” and twenty-four-hour “Community Emergency Response Team (CERT)” emergency training courses.

Review of the Consent Agenda

Mr. Nalley said that with the adoption of the Consent Agenda, the Board had approved the following items:

- 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, which will be used for well site construction on Greybeard trail and Harmony Lane as well as the purchase and installation of an automated meter reading system.

Texas Road Bridge Replacement: Staff has not yet received a response from the North Carolina Department of Transportation’s Bridge Maintenance Program for possible grant funding for this project.

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 to be completed over the upcoming winter months. Preliminary resolution and other

information necessary to begin the property owner assessment process for this project will be presented to the Board for approval within the next few weeks.

Newt Gingrich Visit Preparation: Former Speaker of the House Newt Gingrich will hold a lecture and book-signing event at Montreat College on October 17. Parking will be limited and those attending are encouraged to walk or car-pool wherever possible. The Town's Public Works and Police Department personnel are coordinating with Montreat College staff and other agencies to ensure that adequate safety measures are in place for this event.

Public Works Director Hospitalization: Mr. Caldwell continues to be hospitalized for certain serious health issues.

Administrative Reports

Police Chief: Chief McClintock was absent and had no report at this time.

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. Tonnages for both categories were lower than average during July and August.
- Fall bulk item collection dates are October 27 and 28. A \$5 per-item fee will be imposed for mattress and box springs disposal.
- Plastic bottles are banned from the Buncombe County Landfill effective October 1, 2009.
- 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.
- Paving will begin tomorrow on Appalachian Way. Traffic will be diverted onto South Carolina Terrace beginning early in the afternoon. Additional signage will be placed in this area to clearly indicate the detour route.
- Drainage improvements on Mecklenburg Circle are nearly completed.
- September's water loss due to unaccounted usage was 10.5%, which was considered a favorable amount.
- The Town's well pumps are running between four and six hours daily.

Finance Officer: Mr. Stackhouse presented and reviewed the final August 2009 and preliminary September 2009 Financial Statements. He also reported that the field work for the 2008-2009 Fiscal Year audit had been completed.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and building inspections report for the month of September. He reported that the Planning and Zoning Commission had completed recommended revisions to the Town's Flood Damage Prevention Ordinance and Zoning Ordinance that would be presented to the Board as items of New Business. He also advised that he had recently been audited by the Insurance Services Office for an analysis of the Town's building codes and enforcement procedures. The Town

maintained their current Building Code Effectiveness Grading Classification of “4” for both residential and institutional properties as a result of this audit.

Commissioner Reports

Mayor Pro Tem Nichols was absent and had no report at this time.

Commissioner Currie asked that the Planning and Zoning Commission review the Montreat General Ordinance’s noise control regulations for possible revisions to address evening noise complaints during the summer months. The Board agreed by consensus with this request.

Commissioner Hollins had no report at this time.

Commissioner McCaskill had no report at this time.

Commissioner Tate reported that the minutes of this week’s Montreat Landcare Committee meeting had been distributed to the Council members. He also commended Fred Holder and Philip Arnold for their work on this committee.

Old Business

Proposed Revisions to Montreat Subdivision Ordinance: Commissioner Currie moved to adopt Ordinance #09-10-0001 Amending the Montreat Subdivision Ordinance, a copy of which is attached to these minutes and incorporated herein by reference. Commissioner Hollins seconded and the motion carried 4/0.

Proposed Revisions to Town of Montreat Fee Schedule: Commissioner Hollins moved to adopt Ordinance # 09-10-0002 Amending the Town of Montreat Fee Schedule, a copy of which is attached to these minutes and incorporated herein by reference. Commissioner McCaskill seconded and the motion carried 4/0.

Proposed Revisions to Montreat General Ordinance Chapter J – Building Codes, Article I “Building Regulations”: Commissioner Currie moved to adopt Ordinance # 09-10-0003 Amending Montreat General Ordinance Chapter J – Building Codes, Article I “Building Regulations,” a copy of which is attached to these minutes and incorporated herein by reference. Commissioner Tate seconded. During discussion, Commissioner Hollins referred to Article II of the proposed ordinance revisions and said that while he supported adoption of the text as presented, he also felt that the Planning and Zoning Commission should be asked to review this section for inclusion of stronger enforcement language. Commissioner Currie agreed and suggested adding language to this section stating that the appropriate condemnation action would follow the Building Inspector and Mayor’s survey and report. Mr. Currie explained that building and structure condemnation was regulated by General Statute and offered to prepare information on these procedures for consideration by either the Council or Planning and Zoning Commission. After further brief discussion, the motion carried 4/0. The Board also agreed by consensus to

forward Montreat General Ordinance Chapter J, Article II “Condemnation” to the Planning and Zoning Commission for further review.

Proposed Revisions to Montreat Zoning Ordinance Section 501 “Building Height” Definition, “Natural Grade” Definition and Section 624 “Cut and Fill Slope” Regulations: Commissioner Hollins moved to adopt Ordinance # 09-10-0004 Amending Montreat Zoning Ordinance Section 501 “Building Height” Definition, “Natural Grade” Definition and Section 624 “Cut and Fill Slope” Regulations, a copy of which is attached to these minutes and incorporated herein by reference. Commissioner Currie seconded and the motion carried 4/0.

Woodland Road Paving Project Discussion: Mr. Nalley said staff would compile existing information on the age, paved width and pavement type and condition of the Town’s streets for presentation along with research into examples of “skinny street” design currently used in other locations for consideration at next month’s meeting.

Public Comment

Wade Burns noted that according to the September 10, 2009 Town Council Meeting minutes, his statements during the Public Hearing on proposed revisions to Montreat Zoning Ordinance Article IX – “Off-Street Parking and Loading Regulations” referred to the proposed revision text. He clarified that his comments actually referred to the existing ordinance text. He also felt that his statements that the Anderson Auditorium parking lot would need to be six times larger than the current size to comply with the ordinance language were based in fact and should not be referred to as a “claim.”

Commissioner Hollins asked for clarification of the next steps the Board and staff would take in their consideration of the Woodland Road paving project. Mr. Nalley said that staff would gather existing information concerning Town streets and would research examples of “skinny street” designs being successfully used in other locations. This information will be presented for the Board’s review in November, at which time the Board may also discuss the potential needs for further revisions to the Town’s street standards. Staff will publish bid advertisements for installation of stormwater drainage improvements on Woodland Road, and will await the Board’s final decision on the paving portion of the project.

Commissioner Currie asked if Mississippi Road had been widened during its latest repaving, and whether the current roadway width complied with the Town’s streets standards. Mr. Nalley said that minor widening was done on certain sections, and that although this project was completed prior to the adoption of the Town’s street standards the project would have been in compliance with the ordinance provisions.

New Business

Montreat Zoning Ordinance Article IX “Off-Street Parking and Loading Regulations”: Commissioner Hollins moved to request that the Planning and Zoning Commission review

Montreat Zoning Ordinance Article IX “Off-Street Parking and Loading Regulations” for possible amendments pertaining to Institutional and Commercial properties. Commissioner Currie seconded and the motion carried 4/0.

Local Energy Assurance Planning (LEAP) Resolution: Mayor Taylor explained that 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 had been adopted at last week’s agenda meeting to accommodate Land-of-Sky Regional Council’s October 7 grant application deadline to the U.S. Department of Energy.

Appalachian Development Highway System Resolution: Mr. Nalley explained that Land-of-Sky Regional Council had asked all of its member municipalities to adopt this Resolution in support of their efforts to maximize State and Federal highway funding appropriations in Western North Carolina. Commissioner Currie moved adopt Resolution # 09-10-0002 Requesting the North Carolina General Assembly to Exclude the Appalachian Development Highway System Funding From the NCDOT Equity Formula. Commissioner Tate seconded and the motion carried 4/0. A copy of this Resolution is attached to these minutes and incorporated herein by reference.

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 noted that while Mr. Sulaski requested 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. Commissioner McCaskill said he had visited the area in question and felt that Mr. Sulaski’s request was reasonable and beneficial to the integrity of Rainbow Trail and the surrounding slope. Commissioner McCaskill then moved to direct staff to prepare a Resolution of Intent to consider closing a portion of right-of-way on Chapman Road. Commissioner Currie seconded and the motion carried 4/0.

Proposed Revisions to Montreat General Ordinance Chapter K, Article I “Flood Damage Prevention Ordinance”: Mr. Currie advised that staff had recently received notification from the Federal Emergency Management Agency (FEMA) 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. Included with this notification was a requirement that the Town must adopt floodplain management regulations that meet current National Flood Insurance Program (NFIP) standards as a condition of continued flood insurance eligibility. 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 revisions to Montreat floodplain regulations which staff believes are in compliance with applicable NFIP guidelines. A copy of this draft was forwarded to Randy Mundt, Acting State NFIP Coordinator for FEMA for review, but no response had yet been received. After brief discussion, Commissioner Currie moved to call for a Public Hearing on November 12, 2009 at 7:00 p.m. or

as soon thereafter as possible to discuss proposed revisions to Montreat General Ordinance Chapter K, Article I “Flood Damage Prevention Ordinance.” Commissioner Tate seconded and the motion carried 4/0.

Proposed Revisions to Montreat Zoning Ordinance Section 701 “R-1 Residential District” and 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. In subsequent review of the zoning ordinance text this week, staff identified similar language in Section 701 “R-1 Residential Districts” that should also be revised to conform to Chapter E, Article I “Water & Sewer.” Commissioner Hollins moved to call for a Public Hearing on November 12, 2009 at 7:10 p.m. or as soon thereafter as possible to discuss proposed revisions to Montreat Zoning Ordinance Section 701 “R-1 Residential District” and Section 703 “R-3 Residential District.” Commissioner Tate seconded and the motion carried 4/0.

Public Comment

Wade Burns asked for clarification as to whether Mr. Sulaski was requesting that a portion of right-of-way on Chapman Road be reduced or closed entirely. Staff explained that, if approved, Mr. Sulaski’s request would reduce the width of the right-of-way in this area but would not close it completely.

Lolly Copeland read from prepared statement requesting that Woodland Road be paved to address drainage issues caused by runoff from neighboring streets and health problems aggravated by dust generated by vehicular traffic. She asked that the new pavement begin at the end of existing paved portion and be done in a way that did not affect the Marshall family’s property.

Meeting Dates

Mayor Taylor announced the following upcoming meeting dates:

<u>October Planning and Zoning Commission Meeting:</u>	October 15, 2009, 7:00 p.m., Kirk Allen Building
<u>Fall Bulk Item Collection Dates:</u>	October 27-28, 2009
<u>Agenda Item Deadline:</u>	October 30, 2009, 4:30 p.m., Town Services Office

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

Adjournment

There being no further business to discuss, Commissioner McCaskill moved to adjourn the Town Council Meeting. Commissioner Hollins seconded. The motion carried 4/0 and the meeting was adjourned at 8:15 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk