

**Town of Montreat  
Board of Commissioners  
Town Council Meeting  
October 09, 2008 – 7:00 p.m.  
Kirk Allen Building**

The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on October 9, 2008 at 7:00 p.m. in the Kirk Allen Building. Present among the Board were Mayor Letta Jean Taylor, Mayor Pro Tem Eric Nichols, Commissioner Ruth Currie, and Commissioner Bill Hollins, Commissioner Jack McCaskill and Commissioner O'Neil Tate. Representing Town Staff were Town Administrator Ron Nalley, Chief of Police William B. McClintock, Town Clerk Misty R. Gedlinske, Finance Officer Stefan Stackhouse, Building Inspector/Code Administrator David Currie and Town Attorney Susan Taylor Rash. Ten 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.

**Communications From the Mayor**

Mayor Taylor reported that over 190 people participated in Montreat College's Community Day event held on September 23, 2008. She also advised that Commissioner McCaskill, Mr. Nalley and she would meet next week with Congressman Heath Shuler to discuss the Town's needs and any potential funding options that may be available.

**Review of the Consent Agenda**

Mr. Nalley stated that with the adoption of the Consent Agenda, the Board had approved the minutes of the August 26, 2008 Special Meeting, September 4, 2008 Agenda Meeting and September 11, 2008 Town Council Meeting.

**Communications from the Town Administrator**

Well Site Lease Agreement Update – Mountain Retreat Association: Mr. Nalley said that a draft well site lease agreement granting the Town permission to access certain lots on Harmony Lane and Greybeard Trail for well site exploration purposes would be sent to the North Carolina Department of Environment and Natural Resources for review before presentation to the Council at their November meeting.

Public Improvements Ordinance Revision Update: Mr. Nalley referred to Town Attorney Susan Taylor Rash, who reported that she had forwarded a revised Public Improvements Ordinance to Mr. Nalley late that afternoon, along with a summary of both the draft ordinance and related statutory procedures. She explained that staff would review these documents and present them to the Board at their November meeting.

FEMA Flood Plain Mapping Appeals and Protest Petition Response Update: Mr. Nalley reported that FEMA had ruled in favor of the Town's two flood plain mapping appeals, and that a response the protest petition was still pending.

In other matters, Mr. Nalley provided the Council members with printed copies of an e-mail message from the North Carolina League of Municipalities (NCLM) on the effects of the current economic situation and asked the to contact him with any questions they may have.

### **Administrative Reports**

Police Chief: Chief McClintock gave his activity report for the month of September and noted a significant reduction in the number of miles traveled while on patrol due to the gasoline shortage.

Public Works Director: Mr. Caldwell listed the tonnage amounts of garbage and recyclables collected during the month of September and said that kudzu spraying throughout the Town had been completed. He advised that the Town's well pumps were operating for about eight hours each day and returning approximately 40,000 gallons of water daily to the Town of Black Mountain. He also reviewed a water loss report for the month of September and estimated Montreat's undocumented water loss at 15.2%, or about 13.2 gallons per minute. He noted that there was some uncertainty in these figures due to the water lost in the 24-inch water main leak near Well B and said the report should be more accurate in future months. Mr. Caldwell further reported that the Town's wells were producing a collective total of 230 gallons per minute, which was approximately 60 gallons per minute less than two years ago. Mr. Nalley added that due to the public's response to mandatory water restrictions, consumption for the month of September was reduced system-wide by 33.5% from the previous month and 21.5% from the same time period last year. Commissioner Currie again expressed the need to thank the College, Conference Center and public for their conservation efforts.

### **Administrative Reports**

Finance Officer: Mr. Stackhouse presented and reviewed the final August and preliminary September 2008 Financial Statements, and said he would e-mail a quarterly investment earning report to the Council members shortly. He also reported that the annual audit field work was now underway and should be completed by the end of the month.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and building inspections report for the month of September. He also reported that staff had prepared a draft Stormwater Best Management Practices ordinance for lots smaller than one acre in size which the Planning and Zoning Commission would review for further discussion at their next meeting.

**Commissioner Reports**

Mayor Pro Tem Nichols reported on several upcoming events sponsored by the Black Mountain Center for the Arts, including Gingko Tree Gallery co-owner Joy Arden Durham's art exhibit on October 10, a dry-stack stone wall exhibit and workshop on October 25 and David LaMotte's final local concert at The Watershed on October 24. He also noted that the recent First Annual Will Kennedy Memorial Golf Tournament had raised approximately \$4300 in donations.

Commissioner Currie asked if the Council was still interested in a presentation on rain water harvesting and "gray" water recycling by a Warren Wilson College student and if so when the best time for this event would be. Mr. Nalley suggested that public participation would be more likely during the spring months and suggested that the presentation could be linked to an Earth Day celebration or LandCare event. After brief discussion, the Board agreed by consensus to begin coordinating an opportunity for the presentation in March of next year. Commissioner Currie also commented on the need to move forward with the purchase of an automatic water meter reading system. Commissioner Hollins said his understanding was that although this item had been included in the annual budget but would not be approved for purchase until an economic justification report had been completed and reviewed. Commissioner McCaskill commented that the difference in costs between traditional and automated water meter should be included in this report.

Commissioner Hollins said that the Audit Committee would not meet again until after the annual audit was completed.

Commissioner McCaskill reported that he had recently attended his first Buncombe County Greenways Commission meeting, and had also represented the Town on the Mayor's behalf at last week's French Broad River Metropolitan Planning Organization (MPO) meeting.

Commissioner Tate advised that revised minutes of the Parks and Recreation Committee's recent meeting parks had been e-mailed to the Council members for their review.

**Public Comment**

David Motes thanked the Commissioners and staff for their efforts.

**Old Business**

Hillside Development Ordinance Educational Workshop Meeting: Mr. Currie explained that presenters from the Land-of-Sky Regional Council would review their recently published "Mountain Ridge and Steep Slope Protection Strategies" document, and that Rick Wooten from the North Carolina Division of Land Resources – Geotechnical Survey would give a presentation on landslide hazards related to hillside development at that meeting. Commissioner Currie moved to hold an educational workshop meeting to discuss factors influencing the development

of the proposed Hillside Development Ordinance on October 23, 2008 at 6:00 p.m. in the Kirk Allen Building. Mayor Pro Tem Nichols seconded and the motion carried 5/0.

**New Business**

Texas Bridge Repair Proposal: Mr. Nalley said that in August the Town had received notification from the State bridge inspector recommending that, due to widespread timber decay, the Texas Road bridge be closed until repairs could be made. He said the Town then received several repair options from TGS Engineers with estimated costs ranging from \$42,000 for replacement of the timber decking, backwalls and wingwalls to \$200,000 for a complete bridge replacement. Mr. Nalley then introduced Dale Pennell, Senior Project Manager with McGill Associates, who had been asked to review TGS's report and provide recommendations for the bridge's repair or replacement. Mr. Pennell gave a Power Point presentation which included photographs of the bridge's current condition and options for repair or replacement. He summarized the benefits, costs, and concerns associated with each option as follows:

TGS Option 1 - Construction of a 10' wide, 9' high Triple Barrel RCBC (Box Culvert) Bridge: Mr. Pennell said that this option would provide a bridge that could carry all legal weight loads with an estimated life expectancy of 50 years. Concerns associated with this option would be potential stormwater flow obstruction caused by concrete structures placed in the stream bed and the extensive permitting required from the U.S. Army Corps of Engineers, the North Carolina Department of Environment and Natural Resources and Land Quality, the North Carolina Wildlife Resources Commission, and other local agencies. Mr. Pennell estimated the cost of this option at approximately \$200,000, including engineering and contingency fees.

TGS Option 2 – Replacement of all timber bridge members and steel beams: Mr. Pennell explained that this option would result in a new bridge identical in appearance to the existing structure that would be able to carry all legal loads with an estimated life expectancy of about 40 years. Concerns associated with this option included an ongoing need to provide additional funds for yearly maintenance, in addition to the same permitting requirements as Option 1. Mr. Pennell was also unsure whether the use of larger steel beams than those currently in place would bring the bottom of the bridge closer to the water level, which could cause a potential stormwater flow obstruction if the road level was not raised to allow additional clearance. He estimated the cost of this option at approximately \$102,000, which may or may not include engineering or contingency fees.

TGS Option 3 - Replacement of timber decking, nailers, backwalls, wingwalls and wingwall posts: Mr. Pennell said that this option would provide some improvement to the bridge's structural integrity but would not address deterioration of the wooden footings and support posts. He further described this option as a temporary repair that would last only about 15 to 20 years, would be subject to the same permitting requirements as Options 1 and 2 and would eventually require a more permanent replacement option. He estimated the cost of this option at approximately \$42,000, which may or may not include engineering or contingency fees.

McGill Option 4: Installation of a prefabricated bridge with related road realignment: Mr. Pennell then presented sample photographs and an aerial map of an alternative option which included replacement of the existing bridge with a prefabricated structure that would span the stream and avoid the extensive permitting requirements associated with the first three choices. He explained that as part of this option the replacement bridge would be moved approximately 50 feet upstream of the existing structure. He also said the grade of Texas Road would be raised to improve safety and visibility at the Texas Road Spur intersection, and the intersection with Assembly Drive would be realigned approximately 70 feet to the south to improve sight distance and accessibility. Mr. Pennell said the prefabricated bridge would have the least amount of ongoing maintenance concerns, could provide access for all types of emergency vehicles, and would have a lifespan of at least 50 years. He also said that the new roadway would provide two-way traffic flow and could serve as an alternate route for local traffic during the busy summer months. Mr. Pennell further explained that a portion of the existing bridge could remain intact for use as a pedestrian bridge for hikers along Gate Trail, and the existing trail path could be rerouted under the proposed new bridge. He noted there were several guard rail styles available and that the bridge's wing wall could be dressed with stone or other facing materials to better blend them into the surrounding landscape. He also pointed out that the new alignment moved the road farther away from Well A and would provide room for a new water line through this area. Mr. Pennell estimated the construction cost of this project at \$390,370, with a total cost of \$487,963 including all engineering and contingency fees. He pointed out that, unlike the previous choices, this option could be approved by Memorial Day if approved at the Council's November meeting.

During discussion, Commissioner Hollins noted that several trees near the intersection of Assembly Drive would need to be removed in order to make this a more perpendicular intersection. Mr. Pennell agreed, referring to a particular double poplar tree that stood where the corner of the new intersection was planned. He explained that it would be very difficult to install the style of bridge planned for this replacement option in the existing bridge's location. He also pointed out a utility pole near the intersection with Texas Road Spur that would need to be moved in order to raise the road grade in this area. In response to Mayor Pro Tem Nichols' concerns, Mr. Pennell also said it may possible to adjust the road realignment path to lessen the impact on portions of Welch Field. Commissioner McCaskill asked whether other prefabricated bridge options, such as Bailey bridges, could be considered in this area as a quicker and less expensive means of replacement. Mr. Pennell said the main cause of delay with the repair and replacement options was the time needed to obtain all the necessary permits, and explained that the cranes needed to install some types of prefabricated bridges may not fit in the available construction space due to the location of nearby utility lines and poles. Commissioner Hollins felt that Montreat's quirky, narrow roads made the Town unique and felt these should be preserved wherever possible as long as they did not pose any safety concerns. Mr. Nalley commented that staff did have concerns about traffic flow, sight distances and emergency vehicle access in this area and said that staff regarded TGS Option 3 as the least preferable repair or replacement option. He also pointed out that approximately \$476,000 was budgeted in the 2010-2011 year of the Capital Improvements Plan to repair the bridge and realign Texas Road, though he cautioned that moving this project forward would disrupt the next two years of planned

capital improvement projects. Mr. Nalley asked the Board to take all of these factors into consideration as they continued their deliberation of this matter at their November meeting.

Proposal for Telecommunications Tower Facility –Towers XX, LLC: Mr. Nalley introduced Jonathan Yates, Matthew Traiser, Andy Ward and Frank Marco of Towers XX, LLC. He explained that this company had approached the Town in July with a request to locate a cellular tower facility adjacent to the Appalachian Way water tank and a proposal for Council's consideration which outlined the lease space, rent, lease terms, and equipment location and use specifications for that site. Mr. Yates said that Towers XX, LLC was an independent tower facility provider specializing in tower placement in geographically and environmentally sensitive areas. He explained that several cellular service carriers have identified Montreat as an area with coverage deficit, and that the FCC had mandated that all carriers must provide substantial coverage to every licensed area in the country to ensure reliable phone service. Mr. Yates stated his company was proposing to install a 180' tall pylon-style monopole tower with flush-mounted antennas that would provide infrastructure for up to six cellular phone carriers, and to work with the Town to determine the best means of blending the tower and its related equipment into the surrounding landscape. He referred to photographs of recent balloon testing which simulated the tower's visual impact at the proposed height and location. He explained that cellular phone service carriers operated on a "line-of-sight" technology that required their antennas to be installed at the top of the pole, above the level of the surrounding ridgeline.

During discussion, Commissioner Hollins requested examples of the actual type of structure proposed, locations where any similar towers had been installed and the differences between flush-mounted antennas and standard tower arrays. Commissioner McCaskill asked for clarification of the type of foundation proposed for the structure. Mr. Marco responded and explained that a steel caisson would be embedded several feet below ground level with a steel cage and anchor bolts used to attach the monopole to the base. He also advised that geotechnical analysis of the proposed site would be done prior to the start of construction and that other foundation options were available if large rocks below the ground surface prevented drilling to an adequate depth for the caisson foundation. Commissioner McCaskill also asked whether the proposed equipment cabinets would interfere with Town's use and maintenance of the water tank. Mr. Nalley responded that staff would request at least 12 feet of open space around the water tank to ensure free access, and Mr. Marco added that the equipment cabinets would be arranged around the base of the water tank so as to minimize interference with its use. Commissioner Hollins commented on the need for suitable screening around the equipment area at the base of the tower. In response to Commissioner Currie's concerns about the color and finish of the monopole, Mr. Yates said that while a flat, gray finish was used in most cases his company would be happy to work with the Board and Town staff to determine the most unobtrusive color and finish option.

Mayor Pro Tem Nichols then asked for a description of the tower's upper and lower diameter. Mr. Marco explained that the proposed monopole would be about six feet wide at its base and would taper to about 18 to 24 inches in diameter at the top. Mayor Pro Tem Nichols also had questions the maximum number of antennas that could potentially be installed on the tower and

**Montreat Board of Commissioners  
Town Council Meeting  
October 09, 2008**

Commissioner Currie asked whether the Town would be obligated in the future to allow use by additional service providers. Mr. Marco replied that he expected a maximum of 12 antennas on the pole, two for each of six possible carriers. He also advised that the Town would receive additional lease revenue for each service provider that used the proposed tower, in addition to providing better signal coverage to a wider variety of users. Mayor Taylor said that the Council would schedule a workshop later during discussion of upcoming meeting dates to consider the proposed lease agreement and review the additional materials they had requested.

Town of Montreat Identity Theft Protection Program: After brief discussion, Commissioner Hollins move to approve the proposed Identity Theft Protection Program for the Town of Montreat. Commissioner Tate seconded and the motion carried 5/0.

Appalachian Way Paving, Drainage and Sidewalk Installation Project: Mr. Nalley said that storm drainage replacement and paving on Appalachian Way between the Morgan Science Building and the South Carolina Terrace intersection was originally planned as the first large capital improvements project of the current fiscal year. He advised that after conversations with representatives from Montreat College, staff had revised the scope of the project to include plans for a sidewalk in this area. He noted that members the College staff had expressed an interest in assisting the Town with the cost of this project but had not committed to a specific figure. Mr. Nalley also pointed out that the bids received for this project had been higher than expected, and that although sidewalks in this area would increase pedestrian safety their construction increased the project's cost by approximately \$50,000. He then stated that staff recommended delaying the Appalachian Way project until spring and postponing the Woodland Road project until the next fiscal year because of the unexpected repairs needed to the Texas Road bridge and the lack of sufficient capital improvement funding to address all three projects within the same fiscal year.

During discussion, Commissioner Hollins said he favored proceeding with the Appalachian Way paving project and Texas Road bridge repair Option 2 during this fiscal year and delaying the Woodland Road drainage and paving project until next year. Commissioner McCaskill suggested delaying repaving Appalachian Way until after the cell tower had been installed to prevent the risk of damage to the road from large trucks or other heavy equipment. He also suggested that there may be other bridge construction options that would not require such an extensive and lengthy permitting process or impact to the stream. He further supported delaying the Woodland Road project if those funds were needed elsewhere. Mayor Pro Tem Nichols asked when construction of the cellular tower would begin and how long the process would take. Mr. Nalley said that once the lease agreement was negotiated and the project received approval from the Board of Adjustment, the construction process would be finished relatively quickly. Mayor Taylor said she also favored Option 2 for the repairs to the Texas Road bridge and asked how long the construction process for this option would take. Mr. Nalley estimated that these repairs could be completed by next fall. Mayor Pro Tem Nichols said he also preferred bridge repair Option 2 and said he doubted whether the Conference Center would support any realignment of Texas Road that would negatively impact Welch Field. Mr. Nalley advised that much of the affected corner of the field was located within the Town's right-of-way. He asked the Council whether their reluctance to consider Option 4 was due to the cost of the project or

**Montreat Board of Commissioners  
Town Council Meeting  
October 09, 2008**

disapproval of some or all of the design elements of either the replacement bridge or road realignment plan.

Mayor Pro Tem Nichols and Commissioner Hollins both stated they were unwilling to spend the fund necessary to complete Option 4, and Commissioner Hollins repeated his desire to avoid as much tree clearing in the area as possible. Mr. Nalley cautioned that a certain number of trees would need to be removed regardless of the repair option chosen. Mayor Pro Tem Nichols felt that if the Texas Road bridge repairs would not be completed until the next fiscal year then the Town should complete the Appalachian Way paving project and Woodland Road as previously planned. Commissioner Currie favored Option 2 for the Texas Road bridge repair and supported Commissioner McCaskill's suggestion to delay the Appalachian Way paving project until after the cellular tower had been constructed. She also suggested completing the drainage and paving portion of the Woodland Road project separately, with the drainage portion to be done during the current fiscal year. Commissioner Tate also agreed to postpone the Woodland Road project but asked for traffic calming measures in this area in the meantime. Mayor Taylor asked staff to determine the size and weight of the trucks and other equipment needed to construct the cellular tower, and also whether the permitting process for Texas Road bridge repair Option 2 could be expedited.

Assistant Public Works Director Job Description: Commissioner Currie moved to approve the job description for Assistant Public Works Director and appoint Steve Freeman as Assistant Public Works Director for the Town of Montreat with an annual salary of \$42,660. Mayor Pro Tem Nichols seconded and the motion carried 5/0.

**Public Comment**

There were no comments from the public at this time.

**Meeting Dates**

After discussion, the Board agreed by consensus to set a special meeting on October 29, 2008 at 5:00 pm. In the Town Services Office to hold a cellular tower workshop meeting, and requested that the second hillside development ordinance educational workshop meeting be held, if possible, on November 5, 2008 at 6:00 p.m. in the Kirk Allen Building. Mayor Taylor then announced the following upcoming meeting dates:

Planning & Zoning Commission Meeting: October 16, 2008, 7:00 p.m.,  
Kirk Allen Building

Hillside Development Ordinance Educational Workshop Meeting: October 23, 2008, 6:00 p.m.,  
Kirk Allen Building

Agenda Items Due: October 31, 2008, 4:30 p.m.  
Town Services Office

**Montreat Board of Commissioners  
Town Council Meeting  
October 09, 2008**

<u>Agenda Packets Available:</u>	November 4, 2008 Town Services Office
<u>November Montreat LandCare Committee Meeting:</u>	November 4, 2008, 9:30 a.m., Andy Andrews Gallery
<u>November Agenda Meeting</u>	November 6, 2008, 7:00 p.m., Kirk Allen Building
<u>November Town Council Meeting</u>	November 13, 2008, 7:00 p.m., Kirk Allen Building
<u>November Planning &amp; Zoning Commission Meeting</u>	November 20, 2008, 7:00 p.m., Kirk Allen Building
<u>Town Services Office Closed:</u>	November 27-28, 2008 Thanksgiving Holidays

**Adjournment**

There being no further business to discuss, Commissioner Tate moved to adjourn the Town Council Meeting. Commissioner Hollins seconded. The motion carried 5/0 and the meeting was adjourned at 9:25 p.m.

---

Letta Jean Taylor, Mayor

---

Misty R. Gedlinske, Town Clerk