

**Town of Montreat  
Board of Commissioners  
Agenda Meeting  
November 6, 2008 – 7:00 p.m.  
Kirk Allen Building**

The Montreat Board of Commissioners held their regularly scheduled Agenda Meeting on November 6, 2008 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, and Commissioner O’Neil Tate. Mayor Pro Tem Eric Nichols and Commissioner Jack McCaskill were absent. Representing Town Staff were Town Administrator Ron Nalley, Public Works Director Charlie Caldwell, Chief of Police William B. McClintock, Town Clerk Misty R. Gedlinske, Finance Officer Stefan Stackhouse and Building Inspector/Code Administrator David Currie. Two members of the public were also present. After calling the meeting to order, Mayor Taylor led the group in reciting the Pledge of Allegiance. Rev. Fred Holder gave the invocation.

**Agenda Approval**

Commissioner Hollins moved to adopt the meeting agenda as presented. Commissioner Currie seconded and the motion carried 3/0.

**Communications From the Mayor**

Mayor Taylor reported that the Land-of-Sky Regional Council’s Annual Report was now completed and available online at [www.landofsky.org](http://www.landofsky.org).

**Review of the Consent Agenda**

Mayor Taylor summarized the items listed on the Consent Agenda, which included the minutes of the September 24, 2008 Special Meeting, October 2, 2008 Agenda Meeting and the October 9, 2008 Town Council Meeting, as well as adoption of the 2009-2010 CIP and Budget Preparation Calendar. Commissioner Currie felt that the last sentence of the section of the September 24, 2008 Special Meeting minutes addressing utility and street extensions outside Town limits was unclear as to what action the Board agreed by consensus to take. After discussion, Mrs. Gedlinske said she would review this section and forward a revised draft of these minutes to the Council for their review before next week’s meeting.

Mr. Nalley said that also on the Consent Agenda was the 2009-2010 CIP and Budget Preparation Calendar. He reviewed several key dates on the calendar and noted that the draft CIP would be presented to the Board on February 12, and the 2009-2010 annual budget was set for adoption on June 25, 2009.

**Communications From the Town Administrator**

“100 Years of Serving and Celebrating Cities and Towns” – NCLM: Mr. Nalley said that the North Carolina League of Municipalities had chosen a photograph of Dr. and Mrs. Billy and Ruth Graham and a 1910 image of Lake Susan to represent Montreat in their recently published booklet entitled “100 Years of Serving and Celebrating Cities and Towns.”

**Administrative Reports**

**Police Chief:** Chief McClintock stated he would give his monthly departmental activity report at next week's meeting. He also asked for Council's guidance in selecting vehicle options for the patrol car purchase scheduled for the current fiscal year. During discussion, Commissioner Hollins asked for cost comparison information between the standard patrol car models and any viable hybrid vehicle options. Commissioner Currie mentioned that she had seen other police departments use Dodge Chargers as patrol vehicles. Chief McClintock said that these vehicles achieved approximately the same low gas mileage as the Crown Victoria. Commissioner Currie then asked that these vehicles not be considered as a purchase option.

**Public Works Director:** Mr. Caldwell listed the tonnage amounts of garbage and recyclables collected during the month of October for both household sanitation collection and the recent bulk item pick-up event. He thanked the Police Department for their assistance in locating a recent water leak on Virginia Road and said that Town crews were working to isolate which well was over-pumping and causing recent air complaints. He also reported that the Town's wells were pumping an average of eight hours per day, and that approximately 506,000 gallons of water received from the Town of Black Mountain during the summer months had been returned. Mr. Caldwell then presented a water loss report for the month of October, which listed the amount of unaccounted for water at 9.7%. He advised that this amount would likely increase during the spring and summer months, as many residential meters were not in use during the winter.

**Finance Officer:** Mr. Stackhouse presented and reviewed the final September and preliminary October 2008 Financial Statements, as well as a quarterly investment earnings report as of September 30, 2008. He noted that the reduction in retail sales tax and investment interest revenues, caused by current economic factors, would need to be monitored closely in the coming months to determine its full effect on Town finances. He also reported that the Town had several investment accounts which seemed to be originally established to fund various capital projects that could be consolidated if the Board so chose.

**Building Inspector/Code Administrator:** Mr. Currie said he would give his monthly activity report at next week's meeting. In response to Commissioner Currie's questions about references marked "Notes" in his monthly inspection reports, he explained that these notations referred to additional project notes stored in his permitting software that would not fit on his printed reports due to space limitations. Mr. Currie also reported that at their October meeting, the Planning and Zoning Commission began their review of a staff-prepared Stormwater Best Management Practices ordinance draft for lots smaller than one acre in size. Commissioner Currie commended Mr. Currie for his letter of response to property owners on John Knox Road who were concerned about the potential effects of steep slope development regulations on their property. Mr. Currie said this letter was one of several he had written to property owners with similar concerns. Mr. Nalley also advised that the second Hillside Development Workshop, which was originally scheduled for the previous evening, had been cancelled due to a lack of a quorum among the Board members and would need to be rescheduled as quickly as possible. At

**Montreat Board of Commissioners  
Agenda Meeting  
November 6, 2008**

Commissioner Currie's request, Mr. Currie agreed to prepare a short summary of each presentation given at the October 23, 2008 Hillside Development Workshop.

**Commissioner Reports**

Mayor Pro Tem Nichols was absent.

Commissioner Currie asked where revenues collected from building inspection and zoning permit fees were being allocated. Mr. Nalley replied that these funds were used to offset the Building Inspector's departmental expenses.

Commissioner Hollins said that the Audit Committee would not meet again until the completed annual audit was reviewed by the Local Government Commission.

Commissioner McCaskill was absent.

Commissioner Tate reported that the Parks and Recreation LandCare committee did not take any action at their meeting last Tuesday. Mr. Nalley said the group was still awaiting comments on the proposed bylaws revisions from Montreat College and the Mountain Retreat Association. Commissioner Tate also reported that he and Mr. Nalley attended the recent Lookout Point Trail ribbon cutting ceremony.

**Public Comment**

Jean Holder thanked the Public Works Department's street maintenance crews for their work.

**Old Business**

Proposed Revisions to the Ordinance Regulating the Construction and Financing of Public Improvements: Mr. Nalley said he would e-mail a revised ordinance draft reflecting changes made in response to the Board's comments at their recent workshop on this matter, and that printed copies would be available in the Town Services Office.

Proposal for Telecommunications Tower Facility – Matthew Traiser, Towers XX, LLC: Mr. Nalley presented a revised lease agreement based on comments heard at the recent workshop, along with a scale drawing of a sample flush-mounted antenna assembly and a determination report from TOWAIR confirming that the proposed tower would not need to be registered with the FAA and display a warning light at its tip. He noted that the meeting agenda did not include a recommended motion for this item in case the Board would like an opportunity to review those changes or hear other discussion. Mr. Nalley also stated that the revised lease agreement increased the base rent to \$700 per month and provided higher incremental increases in rent for each additional carrier that installed an antenna on the tower. He pointed out that federal law prohibited the Town from banning cell towers but did allow the Town to regulate their location. He explained that under the Town's current ordinance, cell towers could be constructed at the

**Montreat Board of Commissioners  
Agenda Meeting  
November 6, 2008**

Town's water tank sites with administrative approval, or on private property through a conditional use permit process. Mr. Nalley said that if the Board chose to approve the installation of a cell tower on Town-owned land, this would be a good opportunity for them to have a measure of control over its appearance, height, placement and the terms of the ground lease. Alternately, other potential sites on private property could be researched that may allow a smaller tower with less visual impact but would not yield any revenue for the Town and would not allow the Board the same degree of influence as would be possible on Town-owned sites.

During discussion, Mayor Taylor noted the need for public education about the appearance of the proposed tower. She said that the lighting complaints Robert Shaw cited in his recent letter were caused by a nearby street light which lacked a cover and could be resolved by speaking with Progress Energy. Commissioner Hollins felt that the public needed to be aware that the Town did not have the ability to ban cell towers due to federal regulations. He also wanted to ensure that Town staff had thoroughly researched all possible tower locations to determine whether the selected site best served the Town's needs and provided adequate coverage. Commissioner Currie agreed, and also felt it was important to emphasize that financial gain was not the only reason the Board was considering Towers XX's proposal. Mayor Taylor said her research had shown that ground leases could be written so that rental income begins to accrue from the date the lease was signed. She also felt that increases in the base rent for additional carriers should become effective at the time those antennas were installed rather than the Town being limited to receiving only the base rental amount for the entire first year of the lease.

Mr. Nalley then referred to a proposed text amendment to the Wireless Communications Ordinance prepared by Town Attorney Susan Taylor Rash that would allow the Board final approval of the construction of monopole cell towers on Town-owned property. He asked whether the Board would like staff to add a motion to next week's agenda to call for a Public Hearing to consider adopting this change. After discussion, the Board agreed by consensus. Commissioner Currie felt that the public hearing would provide an opportunity for public education about the tower and allow the Board to address any concerns. She also suggested including an article about the tower in the next edition of the Town newsletter.

Capital Improvements Projects Revision – Public Works: Mr. Nalley referred to a memorandum from Public Works Director Charlie Caldwell which indicated that the bridge replacement on Texas Road could be completed by the end of the fiscal year. He said that due to concerns about the effect of the current economy on sales tax and investment earnings, staff recommended completing the bridge replacement and Appalachian Way paving projects and delaying the improvements to Woodland Road and replacement of the Public Works Department's dump truck. He also presented an alternate bridge replacement option which Commissioner McCaskill had proposed which would relocate the bridge and realign the intersection of Texas Road and Assembly Drive at an estimated cost of \$355,000. He said that if the Board chose, staff could obtain bids for this option and research possible financing opportunities.

During discussion, Commissioner Tate said he felt that replacing the existing bridge with an identical structure was the most appropriate option, and said that the additional revenues needed

**Montreat Board of Commissioners**  
**Agenda Meeting**  
**November 6, 2008**

to redesign the intersection and relocate the bridge would be better used to improve Woodland Road. Commissioner Hollins also favored rebuilding the existing bridge without any change to the current path of Texas Road. Commissioner Currie said she could understand why Commissioner McCaskill's proposal was desirable from an engineering standpoint but felt it more appropriate to proceed with the replacement option the Board had already agreed upon. She also asked about the possibility of proceeding with the engineering on Woodland Road project as a means of completing at least a portion of this project during the current fiscal year. Commissioner Hollins said he did not support proceeding with the Woodland Road project until the bridge replacement and paving on Appalachian Way had been completed. He also felt that further consideration of this matter should wait until the absent Commissioners were present to participate in the discussion. Mr. Nalley asked whether the Board would like any modification to either the recommended motion or the proposed budget amendment in preparation for next week's meeting. Commissioner Currie asked for a choice of options to consider at next week's meeting, to include the possibility of completing at least the engineering portion of the Woodland Road project during the current fiscal year.

**New Business**

Well Site Exploration License Agreements – Mountain Retreat Association: Mr. Nalley advised that the license agreements only allowed the Town to enter several lots located off Harmony Lane and Greybeard Trail, construct an access road and to test drill in those areas. He said that if a viable water source was found, the Town would need to negotiate a deed, easement or long-term lease with the MRA for the lot or lots to give the Town proper control of the buffer area around the well site.

French Broad River Metropolitan Planning Organization (MPO) Memorandum of Understanding: Mayor Taylor explained that the French Broad River Metropolitan Planning Organization (MPO) was in the process of revising its Memorandum of Understanding (MOU) to reflect the change in Lead Planning Agency from the City of Asheville to the Land-of-Sky Regional Council. She said that a revised MOU reflecting this and several other changes would be sent to all eighteen member municipalities for their approval.

Automated Meter Reading System Cost and Benefit Analysis: Mr. Nalley said that staff had discovered a need for further revisions to the cost and benefit analysis report and that he would e-mail an updated document to the Council as soon as it was finished. He noted that one reason the report needed revision was that Mr. Caldwell's monthly water loss report had indicated only a 9.7% loss for the month of October, which was considerably lower than expected.

**Public Comment**

There were no comments from the public at this time.

**Montreat Board of Commissioners  
Agenda Meeting  
November 6, 2008**

**Meeting Dates**

Mayor Taylor announced the following upcoming meeting dates:

<u>Town Council Meeting:</u>	November 13, 2008, 7:00 p.m., Kirk Allen Building
<u>Planning &amp; Zoning Commission Meeting</u>	November 20, 2008, 7:00 p.m., Kirk Allen Building
<u>Agenda Items Due:</u>	November 26, 2008, 4:30 p.m. Town Services Office
<u>Town Services Office Closed:</u>	November 27-28, 2008 Thanksgiving Holidays
<u>Agenda Packets Available:</u>	December 2, 2008 Town Services Office
<u>Montreat LandCare Committee Meeting:</u>	December 2, 2008, 9:30 a.m., Andy Andrews Gallery
<u>December Agenda Meeting</u>	December 4, 2008, 7:00 p.m., Kirk Allen Building
<u>December Town Council Meeting</u>	December 11, 2008, 7:00 p.m., Kirk Allen Building
<u>December Planning &amp; Zoning Commission Meeting</u>	December 18, 2008, 7:00 p.m., Kirk Allen Building

**Adjournment**

There being no further business to discuss, Commissioner Currie moved to adjourn the Agenda Meeting. Commissioner Hollins seconded. The motion carried 3/0 and the meeting was adjourned at 8:35 p.m.

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Letta Jean Taylor, Mayor

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Misty R. Gedlinske, Town Clerk