

**Town of Montreat
Board of Commissioners
Town Council Meeting
November 12, 2009 – 7:00 p.m.
Kirk Allen Building**

The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on November 12, 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 Jack McCaskill and Commissioner O'Neil Tate. Commissioner Bill Hollins arrived at 7:10 p.m. 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 represented Town staff. 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

Because Chief William B. McClintock and Officer David Arrant were both absent from the meeting, discussion was heard concerning whether to delay consideration of Officer Arrant's promotion to Officer First Class until the December Town Council Meeting. The Board agreed by consensus to consider the matter at this meeting. Mayor Pro Tem Nichols then moved to adopt the meeting agenda as presented. Commissioner Currie seconded and the motion carried 4/0.

**Public Hearing: Proposed Revisions to Montreat General Ordinance
Chapter K, Article I "Flood Damage Prevention Ordinance"**

Mr. Currie said the Federal Emergency Management Agency (FEMA) had notified the Town that the formal appeal period for the 2007 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 recommend their approval as presented. A copy of the draft ordinance was forwarded to Randy Mundt, Acting State NFIP Coordinator for review. Mr. Currie referred to a comment in the margin of page 18 of the proposed draft and explained that Mr. Mundt had recommended adding language outlining the variance procedures available to aggrieved parties pursuant to current North Carolina General Statutes. Mr. Currie also noted on page 29 of the proposed draft that staff recommended expansion of the current 20' riparian buffer to 30' for streams outside the limits of the detailed study that do not already have base flood elevations established by FEMA. He referred to maps prepared by the Buncombe County Geographical Information System (GIS) and indicated the areas where future structural renovation or expansion will be impacted by the recommended change. During discussion, the Board directed that property owners in affected areas should be notified of the changes to the Flood Insurance Rate Maps as well as this section of the Town's General Ordinances. Staff was also asked to contact the North Carolina Geological Survey to verify the locations of all "blue-lined" or perennial streams indicated on the FIRMs.

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 Montreat Zoning Ordinance Section 701 “R-1 Residential District” and Section 703 “R-3 Residential District”

Mr. Currie said that Montreat General Ordinance Chapter E, Article I “Water and Sewer” adopted last March required all newly-built residential structures to connect to the Town’s water and sewer system and prohibited the construction of any new wells or septic systems. Amendments are now needed to Montreat Zoning Ordinance Sections 701 and 703 to remove conflicting language and ensure consistency between the two ordinances. Mayor Taylor opened the Public Hearing on this matter. Commissioner Hollins said he was unsure whether he supported completely prohibiting private well and septic system construction within the Town’s Extra-Territorial Jurisdiction area. Mr. Nalley explained that the Council had already made this decision when they adopted Montreat General Ordinance Chapter E, Article I “Water and Sewer,” and that the revisions to the Zoning Ordinance would only remove certain language that conflicted with the General Ordinance provisions. Hearing no further comments from the public or Commissioners, Mayor Taylor then closed this Public Hearing.

Communications From the Mayor

David M. Lawrence Distinguished Professorship Endowment Pledge Request: After brief discussion, the Board agreed by consensus to contribute \$100 toward the Institute of Government’s Distinguished Professorship Endowment in honor of retiring Professor David M. Lawrence.

Review of the Consent Agenda

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

- September 24, 2009 Special Meeting minutes
- September 29, 2009 Special Meeting minutes
- October 1, 2009 Agenda Meeting minutes
- October 8, 2009 Town Council Meeting minutes
- Adoption of the 2010-2011 Capital Improvements Plan (CIP) and Budget Preparation Calendar
- Adoption of Resolution #09-11-0001 Requesting Final Decision and Construction of the I-26 Connector
- Adoption of Proclamation #09-11-0001 Approving the 2010 Census Partner Proclamation

Mr. Nalley reviewed several key dates on the 2010-2011 CIP and Budget Preparation Calendar and noted that CIP instructions would be submitted to department heads on December 1 in preparation for a presentation of the draft 2010-2014 Capital Improvements Plan on January 14, 2010. The Calendar also set the adoption of the 2010-2011 Fiscal Year Budget for June 24, 2010.

Mr. Nalley also encouraged community-wide participation in the 2010 Decennial Census, explaining that an accurate population count will set an appropriate threshold for Federal funding to the Town for the next ten years. Representatives from the Town, Montreat College and the Mountain Retreat Association will meet on November 20 to participate in a local Complete Count Committee to begin distributing public education materials concerning the upcoming census.

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 Harmony Lane and water line extensions along Greybeard Trail. A well site could not be installed on Greybeard Trail at this time due to difficulties in obtaining the necessary control over the subject property. The Town also received separate funding for an automated water meter reading system. Five vendor proposals were submitted for this project prior to a bid opening meeting scheduled for November 23. Staff will submit bid recommendations for each of these projects for formal approval at the December Town Council Meeting.

Assembly Drive Repaving Project: Assembly Drive is scheduled for repaving during late spring for completion before the start of the summer conference season. The Town's Comprehensive Plan includes bike lanes and an improved greenway system as design suggestions for this area. Staff will publish a separate newsletter or other informational publication to encourage public awareness and participation in determining the final roadway design.

Charlie Caldwell Funeral and Memorial Arrangements: Public Works Director Charlie Caldwell passed away on November 1. Funeral services were held on November 3 at Gaither Chapel, followed by burial at Mountain View Cemetery. In addition to his obituary, a memorial article dedicated to Mr. Caldwell was published in the most recent edition of the Black Mountain News. He will also be featured in the next edition of the Town's newsletter and a fund has been established at Fifth Third Bank to assist Mr. Caldwell's family with his outstanding medical bills and other expenses. Mr. Nalley asked the Commissioners to begin considering appropriate methods of honoring Mr. Caldwell's passing and recognizing his history of service to the Montreat community. He also read aloud a letter from Mr. Caldwell's wife thanking the Commissioners and Town staff for their concern and assistance both before and after his death. Mr. Nalley said that Mrs. Caldwell would be notified of the Council's final decision on a memorial for her husband and would be invited to attend the Board meeting where this decision is announced and any ceremony held in his honor.

Administrative Reports

Police Chief: In Chief McClintock's absence, Mr. Nalley gave the departmental activity report for the month of October. Former Speaker of the U.S. House of Representatives Newt Gingrich's staff had thanked Montreat's Police and Public Works Department staff for their assistance during his October 17 lecture and book signing event at Montreat College. National Geographic Explorer film crews also

thanked the Town for their involvement and assistance with filming in late October of a documentary on the after-effects of an electro-magnetic pulse in the area. Mr. Nalley also advised that a recent call involving the death of an all-terrain vehicle operator on Sourwood Gap was not within Montreat's jurisdiction.

Public Works Department: Mr. Freeman reported on the following items:

- Garbage and recyclable item disposal amounts decreased by three tons compared to October 2008. Tonnages for the fall bulk item disposal event were reduced by half compared to the same time period last year, with only 30 cubic yards of materials collected.
- Town crews collected 715 bags of leaves within the past month. Leaf and brush collection was delayed last week due to Mr. Caldwell's funeral services, but resumed this week on its normal schedule.
- Paving on Appalachian Way is now finished. Traffic will be diverted onto Missouri Road and Florida Terrace for a brief period next week while the three remaining crosswalks are completed.
- The final storm drain on Mecklenburg Circle will be installed by the end of the month.
- A bid opening meeting for the automated meter reading system will take place on November 23. Staff will present their bid recommendation in December for final approval.
- A bid opening meeting for the Harmony Lane well construction project is scheduled for December 1. Staff will also present a bid recommendation for this project for final approval at the December meeting.
- October's water loss due to unaccounted usage was 16.9%
- The Town's well pumps are running between six and eight hours daily.

During discussion, Mr. Freeman clarified the Town's policy that all leaves placed for collection must be in sealed bags and not raked into loose piles at curbside. Commissioner Currie mentioned problems with non-compliant bear proof containers on Virginia Road and asked how these violations were handled. Mr. Freeman explained that these matters were generally referred to the Police Department.

Finance Officer: Mr. Stackhouse presented and reviewed the final September 2009 and preliminary October 2009 Financial Statements.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and building inspections report for the month of October. He reported that during their review of possible revisions to the General Ordinance's noise regulations, the Planning and Zoning Commission had asked staff to provide statistical information on the number of complaints, including the date, time and nature of disturbance, registered with the Montreat Police Department during the summer months. This information will be considered during continued review of this topic at the Commission's November meeting. The Commission also asked the Board to establish an Institutional Parking Study Committee, which will be considered as an item of New Business during tonight's meeting. Staff is also researching information on available condemnation procedures for the Commission's review at their November meeting. During discussion, Commissioner Currie noted that Police Department statistics may not accurately reflect the scope of the noise issue, given that residents are often reluctant to contact the Police Department for these types of complaints.

Commissioner Reports

Mayor Pro Tem Nichols had no report at this time.

Commissioner Currie asked about the upcoming ethics workshop for elected officials. Staff confirmed the date, location and registration time for the course.

Commissioner Hollins reported that the Audit Committee would meet on November 16 at 4:00 p.m. in the Town Services Office to review the draft annual audit report.

Commissioner McCaskill said that the Buncombe County Greenways Commission had postponed an open house event until later in November. Exact information on the new arrangements was not available at this time.

Commissioner Tate reported that the minutes of the recent Montreat Landcare Committee meeting had been distributed to the Council members. He also commented on his recent attendance at a National Wildlife Federation meeting in Weaverville, site of the second Certified Backyard Wildlife Habitat community in North Carolina.

Old Business

Proposed Revisions to Montreat General Ordinance Chapter K, Article I “Flood Damage Prevention Ordinance”: Mayor Pro Tem Nichols moved to adopt Ordinance #09-11-0001 Amending Montreat General Ordinance Chapter K, Article I “Flood Damage Prevention Ordinance” as amended to add “Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes” under Section E and to renumber subsequent sections.” Commissioner Hollins seconded and the motion carried 5/0. A copy of this Ordinance is attached to these minutes and incorporated herein by reference.

Proposed Revisions to Montreat Zoning Ordinance Section 701 “R-1 Residential District” and Section 703 “R-3 Residential District”: Commissioner Hollins moved to adopt Ordinance #09-11-0002 Amending Montreat Zoning Ordinance Section R-1 “Residential District” and Section 703 “R-3 Residential District.” Commissioner McCaskill seconded and the motion carried 5/0. A copy of this Ordinance is attached to these minutes and incorporated herein by reference.

Right-of-Way Reduction Request – Robert Sulaski, Longmeadow Homes: Mr. Nalley said that Robert Sulaski had asked the Town to consider closure of 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. A proposed Resolution of Intent to consider the requested right-of-way closure and scheduling a public hearing on this matter for the December Town Council Meeting was provided for Council’s consideration. During discussion, Commissioner Tate said that if the Board chose to approve Mr. Sulaski’s request, he did not want the closed portion of right-of-way to be developed in any way. Mr. Nalley said that, if closed, the right-of way area would be divided

between the bordering property owners and the Board would no longer have control over its use. Mr. Sulaski said that deed restrictions included in the “Vista at Montreat” homeowners association documents would prevent development of the closed portion of right-of-way. After further brief discussion, Mayor Pro Tem Nichols moved to adopt Resolution #09-11-0002 of Intent to Consider Closure of a Portion of Unnamed Right-of-Way Along Chapman Road and Directing Notice of Public Hearing. Commissioner Tate seconded and the motion carried 5/0. A copy of this Resolution is attached to these minutes and incorporated herein by reference.

Woodland Road Paving Project Discussion: Mr. Nalley said that staff had reviewed several examples of public streets standards and determined that most recommended a minimum pavement width of either sixteen or eighteen feet for residential neighborhoods with low traffic volumes. The Roadway Evaluation Summary prepared by Mattern & Craig indicates that the average pavement width in Montreat is 15.1 feet, though Mr. Nalley advised that this average has likely increased due to the repaving projects that have occurred since 2000. Due to the increasing trend toward New Urbanism design principles, many towns are adopting development patterns and roadway design standards featuring narrower “green street” networks that are scaled for use by cars, bicycles and pedestrians and incorporate unique stormwater management tools. Mr. Nalley referred to an alternative street design used in Portland, Oregon in which the travel lanes were reduced to 14’ and said that this seemed to be the minimum recommended width for residential neighborhoods. He explained that if the Board wished to apply this type of design to Woodland Road, the General Ordinance’s street standards must be amended to create a category where a 14’ travel lane is permitted. Appropriate drainage measures for a narrower roadway should also be discussed with McGill Associates engineers, and for this reason bids were not obtained for the stormwater control improvements included in the current paving plan. During discussion of this matter, the Board agreed by consensus for staff to present the Portland, Oregon street design example to McGill Associates for a revised stormwater control plan. Staff was also directed to prepare proposed revision language to the Town’s street standards regulations that would allow a minimum street width of 14’ in certain instances.

Public Comment

Skip Taylor was recognized and praised the Town of Black Mountain’s Police and Public Works Department staff for their assistance during the graveside services for former Public Works Director Charlie Caldwell.

New Business

Montreat Police Department Officer Promotion - David Arrant: Mayor Pro Tem Nichols moved to promote Officer David Arrant to the position of Police Officer First Class and approve an annual salary increase of \$500. Commissioner Currie seconded and the motion carried 5/0. Officer Arrant will be formally recognized for his achievement at the December Town Council Meeting.

Preliminary Assessment Resolution – Providence Terrace Water Line Extension: Mr. Nalley explained that adoption of a preliminary assessment resolution was the first statutory step for the Board to levy special assessments upon benefited properties for water and sewer system extensions. Staff

recommended basing these assessments on the number of lots to be served. The total cost of the project was estimated at \$23,100, including gravel, water line materials and engineering and contingency fees. Because the water line extension will be installed by Town crews, labor costs were not included in the proposed assessment amount. The preliminary assessment resolution also sets a public hearing on this matter during the December Town Council Meeting, after which the Board may consider adoption of an assessment resolution directing that the project be undertaken and formally stating the basis on which the special assessments will be levied. Mr. Nalley used a map to indicate the seven lots to be affected by the proposed assessment, and explained that a choice to base this assessment on the number of properties served did not obligate the Board to choose the same method for any future assessment procedures. After further brief discussion, Commissioner Currie moved to adopt Preliminary Assessment Resolution #09-11-0002 – Providence Terrace Water Line Extension. Commissioner Tate seconded and the motion carried 5/0. A copy of this Resolution is attached to these minutes and incorporated herein.

Request to Place Private Sewer Line on Town of Montreat Property: Vivian Cooley, Kanawha Drive: Mr. Nalley said that prior to the Town's purchase of property near the Montreat Gate from Montreat College, Vivian Griffin Cooley had asked the her home to the public sewer line on Kanawha Drive. The College had agreed to this request but did not execute an easement agreement with Mrs. Cooley prior to conveying the property to the Town. As this matter remains unresolved, Mrs. Cooley is now asking for a similar sewer easement agreement from the Town. Staff has discussed Mrs. Cooley's request with Metropolitan Sewerage District (MSD) staff prior to the property transfer and determined that the requested easement is in a section of the property that should not interfere with any future town use. The proposed easement agreement also outlines adequate provisions for maintenance and upkeep of the sewer line. Commissioner Currie moved to approve the easement agreement between the Town of Montreat and Vivian Griffin Cooley for the installation of a private sewer line and to authorize the Mayor to execute the necessary legal documents. Mayor Pro Tem Nichols seconded. During discussion, Commissioner McCaskill said he felt that MSD should provide a statement that the requested sewer line could be installed properly in the proposed location. Mr. Nalley explained that proper installation of the sewer line would be MSD's responsibility, and said that the Town was only asked to grant an easement allowing the line's placement. The motion then carried 5/0.

Appointment of an Institutional Parking Study Committee: Mr. Currie said that as part of their review of Institutional parking regulations, the Planning and Zoning Commission had asked that the Board establish an Institutional Parking Study Committee comprised of representatives from Montreat College, the Mountain Retreat Association, the Planning and Zoning Commission, the Board of Commissioners and Town staff. Among this Committee's goals and tasks would be:

- Evaluating existing parking areas and suggest design changes pursuant to direction provided in the Town's Comprehensive Plan
- Reviewing current Zoning Ordinance parking requirements specifically addressing the Institutional District as directed by Town Council
- Assisting the Planning and Zoning Commission by compiling data and supplying information needed to make recommendations for any necessary changes to the Town's parking regulations.

During discussion, Commissioner Currie felt that the Presbyterian Heritage Center should also be represented on this committee and asked how those appointments would be made. Mr. Nalley explained that staff would approach each group for their appointment recommendations, similar to the process the Board used to establish the Comprehensive Plan Steering Committee. Commissioner Hollins then moved to support the appointment of an Institutional Parking Study Committee whose duties/goals and membership will be finalized at the December Town Council Meeting. Commissioner Currie seconded and the motion carried 5/0.

Public Comment

There were no comments from the public at this time.

Meeting Dates

Mayor Taylor announced the following upcoming meeting dates:

<u>Audit Committee Meeting:</u>	November 16, 2009, 4:00 p.m., Town Services Office
<u>November Planning and Zoning Commission Meeting:</u>	November 19, 2009, 7:00 p.m., Kirk Allen Building
<u>Agenda Item Deadline:</u>	November 25, 2009, 4:30 p.m. Town Services Office
<u>Town Services Office Closed:</u>	November 26-27, 2009 Thanksgiving Holidays
<u>December Montreat Landcare Committee Meeting:</u>	December 1, 2009, 9:30 a.m., Andy Andrews Gallery
<u>December Agenda Packets Available:</u>	December 1, 2009, Town Services Office
<u>December Agenda Meeting:</u>	December 3, 2009, 7:00 p.m., Kirk Allen Building
<u>December Town Council Meeting:</u>	December 10, 2009, 7:00 p.m., Kirk Allen Building
<u>December Planning and Zoning Commission Meeting:</u>	December 17, 2009, 7:00 p.m., Kirk Allen Building

Closed Session

Commissioner Hollins moved to enter into Closed Session in accordance with North Carolina General Statute §143-318.11(5) to discuss the proposed acquisition of real property. Commissioner Currie seconded and the motion carried 5/0. No action was taken during Closed Session. Upon returning to open session, Commissioner Tate moved to proceed with acceptance of a donation of real property from Jane Holt pursuant to Commissioner Currie's memorandum dated November 12, 2009 and to authorize Commissioner Currie to execute any necessary legal documents. Mayor Pro Tem Nichols seconded and the motion carried 5/0.

Mayor Taylor asked the Board to consider holding the annual reception honoring Town volunteers before the start of the December Town Council Meeting, rather than immediately afterward as it had been done in the past. The Board agreed by consensus. The starting time and duration of the reception will be announced once final arrangements are made.

Adjournment

There being no further business to discuss, Mayor Pro Tem Nichols moved to adjourn the Town Council Meeting. Commissioner McCaskill seconded. The motion carried 5/0 and the meeting was adjourned at 9:12 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk