

**Town of Montreat
Board of Commissioners
Town Council Meeting
November 13, 2008 – 7:00 p.m.**

The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on November 13, 2008 at 7:00 p.m. in the Kirk Allen Building. Present among the Board were Commissioner Ruth Currie, Commissioner Bill Hollins, Commissioner Jack McCaskill and Commissioner O'Neil Tate. Mayor Letta Jean Taylor and Mayor Pro Tem Eric Nichols 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. The Board agreed by consensus for Commissioner Hollins to preside over the meeting. After calling the meeting to order, Commissioner Hollins led the group in reciting the Pledge of Allegiance and gave the invocation.

Agenda Approval

Commissioner McCaskill moved to adopt the meeting agenda as presented. Commissioner Tate seconded and the motion carried 4/0.

Communications From the Mayor

Commissioner Hollins announced that the Swannanoa Correctional Center for Women would hold a dedication ceremony and open house on November 18, 2008 at 2:00 p.m. in their cafeteria. He also presented copies of a letter from the Swannanoa Incorporation Task Force indicating their intent to seek legislative action leading to incorporation and thanking the Board for their support.

Review of the Consent Agenda

Mr. Nalley stated that with the adoption of the Consent Agenda, the Board had approved the minutes of the September 24, 2008 Special Meeting, October 2, 2008 Agenda Meeting and the October 9, 2008 Town Council Meeting. Also approved with the adoption of the Consent Agenda was the 2009-2010 CIP and Budget Preparation Calendar. Mr. Nalley reviewed several key dates on the calendar and noted that the draft CIP would be presented to the Board on February 12, 2009, 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 copies of the North Carolina League of Municipalities’ “100 Years of Serving and Celebrating Cities and Towns” booklet were available in the Town Services Office. He noted that a photograph of Dr. and Mrs. Billy and Ruth Graham and a 1910 image of Lake Susan were used to represent Montreat.

Administrative Reports

Police Chief: Chief McClintock gave his activity report for the month of October. He also presented a chart comparing the purchase cost, delivery time, EPA-estimated annual miles per gallon ratings and estimated annual fuel savings for several potential police vehicle options including a flex-fuel Ford Crown Victoria and three hybrid vehicle selections. He noted that due to fluctuations in gasoline prices, it was difficult to estimate the time needed for fuel cost savings to offset the higher purchase price of the hybrid vehicles, which could be anywhere from two to four years. He also advised that any of the hybrid vehicles listed must be purchased in December in order to arrive before the end of the fiscal year, and that any lights, sirens, radios or other police equipment would have to be purchased and installed separately at an additional cost. Chief McClintock also stated that other police departments he had spoken to were not able to provide any additional information on the durability or practicality of hybrid vehicles used as patrol cars, as those agencies that had purchased these types of cars used them either for administrative purposes or in their traffic divisions.

During discussion, Commissioner Hollins said he was unsure whether the hybrid vehicles would be able to achieve the EPA-estimated fuel efficiency on Montreat's steep, curvy roads. Commissioner Currie referred to the reduced number of patrol miles driven in last month's police activity report and asked whether this would increase now that gasoline prices had fallen. Chief McClintock said that patrol miles driven would return to their normal rate of about 50 miles per shift, or 100 miles per day. Commissioner Currie felt that hybrid vehicles should still be seriously considered, citing the potential for future increases in gas prices and the Council's past discussions concerning the need for smaller vehicles with a lower environmental impact. Commissioner Tate felt that a high-performance vehicle was not needed as a patrol car given the amount of miles usually driven and the lower speed limits within the Town. Commissioner Hollins suggested researching standard fuel vehicle models that were smaller than the Ford Crown Victoria or Explorer, or asking local dealers for information on surplus prior year vehicle models as a way to reduce purchase prices. Commissioner McCaskill felt it important to ensure that the police vehicle model chosen could be used comfortably by all of the Town's officers and could accommodate all necessary equipment. Chief McClintock agreed to continue his research and present additional information at next month's meeting.

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 advised that Town crews were keeping the gate to the dumpster area closed but unlocked between dusk at 7:00 p.m. due to complaints that bears were entering the fenced enclosure. Mr. Caldwell also reported that the recent air complaints were caused by over-pumping and had been isolated to Well A. He said an electrician would visit early in the following week to check the pump and determine if pumping times could be reduced or adjusted to remedy this problem. Commissioner Currie commended Officer David Arrant for his assistance in locating a recent water leak on Virginia Road, as well as Public Works Department members Michael Harrison and Bill Creasman for their street cleaning and brush collection work.

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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 also said he was working to coordinate possible dates for the Audit Committee to meet with members of the Town's auditing firm to review the annual audit once it was approved by the Local Government Commission.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and building inspections report for the month of October. Commissioner Hollins requested information on the amount of building inspection and zoning fees collected since the beginning of the fiscal year. Mr. Nalley indicated where this information was listed on the monthly financial reports. Mr. Currie then reported that 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 at their October meeting. He also cited the need to reschedule the second Hillside Development Workshop as quickly as possible. After discussion, the Board agreed by consensus to tentatively set this meeting for December 10, 2008 from 6:00 p.m. until 9:00 p.m., with December 8, 2008 as an alternate date.

Commissioner Reports

Mayor Pro Tem Nichols was absent.

Commissioner Currie had no report at this time

Commissioner Hollins had no report at this time.

Commissioner McCaskill said he would attend an upcoming French Broad River Metropolitan Planning Organization (MPO) meeting on the Mayors behalf.

Commissioner Tate said that proposed bylaws revisions that would convert the Parks and Recreation Committee into the Montreat LandCare Committee would be presented to the Board of Commissioners once representatives from Montreat College and the Mountain Retreat Association had completed their review.

Public Comment

Elliott Hester commended Council for cutting a dead tree down on North Carolina Terrace. He also complained about recent difficulty he had experienced in obtaining the necessary building permits to install a gas log fireplace at his home. He felt that more should be done to inform the public about Mr. Currie's inspection schedule, office hours and planned absences. Mr. Nalley said that the first time the gas company employees arrived for a permit, a notice had been posted on the Town Services Office's front door notifying the public that Mr. Currie would be out of the office that week for training purposes. He said the installers' second visit occurred during an afternoon during the following week, at which Mr. Currie was out of the office. Mr. Nalley said that staff informed the workers at the time of their second visit that, as was the case in most

building inspection offices, Mr. Currie normally conducted inspections in the afternoon and that mornings were the appropriate times to arrive for apply for permits. He said he understood that the delays experienced in this situation were frustrating and encouraged applicants to call ahead to make sure Mr. Currie was available if an inspection or permit was needed by a specific deadline. Commissioner McCaskill asked whether Mr. Currie's office hours and inspection schedule were officially posted, as well as what steps were taken to notify the public of when he would be unavailable. Mr. Currie said that he used a voice mail greeting and an automatic e-mail response message to advise callers of the dates of his training courses or other planned absences. Mrs. Gedlinske said that she was planning an update to the Town's website that would create a specific Building Inspections website with information on scheduling, fees, permits applications, Town ordinances and other related information.

Old Business

Proposed Revisions to the Ordinance Regulating the Construction and Financing of Public Improvements: Mr. Nalley presented a revised ordinance draft incorporating changes made in response to the Board's comments at their recent workshop on this matter, and pointed out that he and the Town Attorney were still working on additional revisions to Section 6, which addressed utility and street extensions outside Town limits. He said at this point he wanted to confirm that the revised draft adequately reflected the Board's intentions for the ordinance. After discussion, the Board agreed by consensus to schedule a workshop to discuss this matter at their December Town Council meeting once the absent Commission members had returned.

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, and noted that the base rent increased to \$700 per month and provided higher incremental increases in rent for each additional carrier that installed an antenna on the tower. Commissioner Hollins referred to Mayor Taylor's comments from last week's meeting that rental income to the Town should accrue from the date the lease was signed, and that the Town should be able to receive increased rental rates for additional carriers on the tower as soon as those antennas were installed, rather than being restricted to only the base rental amount for the entire first year of the lease. He urged the Council to request a higher monthly base rent amount and suggested at least \$1,000 per month as a counter-offer.

Commissioner Hollins also presented photographs he had taken of a cell tower located in the parking lot of the local Veteran's Administration hospital that had been camouflaged to look like an evergreen tree and suggested that the Board consider either this or a similar design option as part of the lease negotiations. Commissioner McCaskill said that in his experience, tree-style towers were unattractive and more obviously noticeable than the monopole style. Mr. Nalley reported that he had met recently with Andy Ward of Towers XX and discussed other potential sites in Montreat where a shorter, less obtrusive tower could be located. He said that there was a privately-owned lot on South Carolina Terrace where a tower could potentially be placed that might only need to be about 115' tall. He explained that the Board would need to decide whether they wanted to proceed with a taller tower on Town-owned property that would generate

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revenue for the Town and allow complete control over its design and appearance or to investigate options for a privately owned site that would allow a shorter tower that but with less control over its appearance and no rental income to the Town. After further discussion, Commissioner Currie moved to call for a Public Hearing on December 11, 2008 at 7:00 p.m. or as soon thereafter as possible to discuss proposed revisions to the Ordinance Regulating Wireless Communication Technology. Commissioner McCaskill seconded and the motion carried 4/0. The Board also agreed by consensus to continue negotiations with Towers XX to request a higher monthly base rental amount, to request that receipt of that rental income should be begin upon execution of the lease agreement, and that rental increases for additional antennas on the tower should take effect at the time those antennas were installed. Mr. Nalley pointed out that the final lease agreement would not be presented to the Council for their approval until after the zoning and building permitting process was completed, and said that the appearance and location issues would need to be resolved before continuing negotiations of the lease agreement terms. He also noted that long-term leases such as the one considered for the tower site had certain related statutory provisions that would need to be followed.

Capital Improvements Projects Revision – Public Works: Mr. Nalley explained that he had prepared two budget amendment options for Council's consideration. The first would transfer \$23,715 to the General Fund to cover the cost of the Texas Road bridge replacement and the Appalachian Way paving project, and the second would include an additional \$10,000 to also fund the surveying and engineering portions of the Woodland Road drainage and paving project. Commissioner Currie moved to adopt Budget Amendment #1 to amend the Streets Department Capital Outlay line item to reflect the addition of the Texas Road Bridge Replacement project, to include the engineering and surveying costs for Woodland Road and delay the replacement of the dump truck. Commissioner McCaskill seconded. During discussion, Commissioner Tate asked if the engineering costs for the Woodland Road project would or could include traffic calming measures. Mr. Nalley replied that these could be considered during the road construction phase of the project at an additional cost. Commissioner Hollins objected to withdrawing more funds than necessary from the Town's Fund Balance due to the current economic situation, and felt that traffic calming measures or devices should be used in accordance with an adopted policy rather than in an arbitrary fashion. Commissioner Currie felt that including only the surveying and engineering portions was a good compromise that allowed some work to be done on the project.

Commissioner McCaskill was concerned that payments on the Texas Road bridge replacement project may extend into the 2009-2010 Fiscal Year and could be negatively affected by the 2010 property tax revaluation. He also felt that the alternative bridge replacement and road realignment plan he had proposed would ensure adequate emergency vehicle access through a wider turning radius at the intersection of Texas Road and Assembly Drive, as well as an increased load capacity on the bridge itself. Mr. Caldwell reiterated that his research showed that the bridge replacement the Council has chosen could be completed by the end of the current fiscal year, with construction to begin at the end of trout spawning season on April 16 and all necessary permits obtained prior to that date. He also said that the Black Mountain fire department had confirmed that their small truck could negotiate the turns on Texas Road, and that the materials used to replace the current bridge would be able to support the vehicle's

weight. Commissioner Currie reminded the Council that they had already decided on a bridge replacement option at their October meeting and felt that to resume deliberation at this point would cause unnecessary delays to the project. After further discussion, the motion carried 4/0.

New Business

Well Site Exploration License Agreements – Mountain Retreat Association: Mr. Nalley explained 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 separate 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. He advised that a deed would be the most favorable option for the Town, which could be completed once the MRA had decided what kind of rights they would be willing to give the Town for the well site property. He also noted that while the lots in question were not located within the Conservation Easement, the Town's control of the 100-foot buffer area would extend into the Conservation Easement lands. Commissioner McCaskill moved to approve the license agreements between the Town of Montreat and the Mountain Retreat Association for well site exploration on Harmony Lane and Greybeard Trail. Commissioner Currie seconded and the motion carried 4/0.

French Broad River Metropolitan Planning Organization (MPO) Memorandum of Understanding: Mr. Nalley stated that the French Broad River Metropolitan Planning Organization (MPO) was made up of representatives from the eighteen local governments in Buncombe, Haywood and Henderson Counties, plus a number of local, state, and federal agencies, and worked with the North Carolina Department of Transportation (NCDOT) to plan improvements to the transportation system in the area. He explained that the 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 and ensure compliance with the Open Meetings Law. Commissioner Currie moved to approve the revised Memorandum of Understanding between the Town of Montreat and the French Broad River Metropolitan Planning Organization. Commissioner McCaskill seconded and the motion carried 4/0.

Automated Meter Reading System Cost and Benefit Analysis: Mr. Nalley said that he would forward a revised cost and benefit analysis report to the Council as soon as he was able to complete it.

Resolution of Support for Submittal of a Proposal to Develop a Comprehensive Pedestrian Master Plan for the Town of Montreat: Mr. Nalley said that the Parks and Recreation Committee would like to submit a proposal to the North Carolina Department of Transportation (NCDOT) for a pedestrian planning initiative grant to develop a Comprehensive Pedestrian Master Plan for Montreat. He explained that as part of the grant application, which would be due by December 5, 2008, the Town would need to adopt a Resolution supporting the application. He also stated that if the grant proposal was funded, the Town would also be required to allocate \$4,250 toward

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the cost of developing a pedestrian master plan in the 2009-2010 Fiscal Year Budget, execute a Municipal Reimbursement Agreement with the NCDOT and complete the master plan within 15 months from the date the agreement was received. Mr. Nalley advised that the French Broad River Metropolitan Planning Organization (MPO) would also need to approve the submittal of the grant application and adopt its own resolution of support. Commissioner Tate moved to adopt Resolution #08-11-0001 of Support for Submittal of a Proposal to Develop a Comprehensive Pedestrian Master Plan for the Town of Montreat. Commissioner Currie seconded and the motion carried 4/0.

Public Comment

There were no comments from the public at this time.

Meeting Dates

Mayor Taylor announced the following upcoming meeting dates:

<u>Planning & 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 & 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 Town Council Meeting. Commissioner McCaskill seconded. The motion carried 4/0 and the meeting was adjourned at 9:10 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk