

**Town of Montreat
Board of Commissioners
Town Council Meeting
December 10, 2009 – 7:00 p.m.
Kirk Allen Building**

The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on December 10, 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 Bill Hollins, Commissioner Jack McCaskill and Commissioner O'Neil Tate. Town Administrator Ron Nalley, Assistant Public Works Director Steve Freeman, Town Clerk Misty R. Gedlinske, Chief of Police William B. McClintock, Officer David Arrant, Officer Lee Blevins, Finance Officer Stefan Stackhouse and Building Inspector/Code Administrator David Currie represented Town staff. Approximately 25 members of the public were also present. Mayor Taylor called the meeting to order and lead the group in reciting the Pledge of Allegiance. Dr. Calvin Chesnutt gave the invocation.

Agenda Approval

Mayor Pro Tem Nichols then moved to adopt the meeting agenda as presented. Commissioner Hollins seconded and the motion carried 4/0.

**Public Hearing: Right-of-Way Reduction Request –
Robert Sulaski, Longmeadow Homes**

Mr. Nalley said the Town had received a request from Robert Sulaski to close a portion of unopened public right of way located adjacent to Lot 30 owned by Al Sudduth along Chapman Road. Although Mr. Sulaski originally asked for closure of a 20'-wide section of the right-of-way, he later revised this request to comply with the requirements of Town's street standards regulations. Under the current proposal, only a 10'-wide section would be closed, leaving approximately 30' of right-of-way remaining. The Board adopted a resolution of intent to consider Mr. Sulaski's closure request at their November Town Council Meeting, which directed notification of adjacent property owners and set a public hearing on this matter during this meeting. Mr. Nalley used a map of the area to indicate the portion of right-of-way requested for closure. He explained that to approve this request in accordance with current statutory requirements, the Board must determine that the closing of the right-of-way is not contrary to the public interest and that no individual owning property in the vicinity of the street will be deprived of reasonable means of ingress and egress to their property. Mr. Nalley also provided copies of a letter from Brinkley Melvin expressing several concerns regarding the potential impact of the proposed closure on his ability to access his property in this area.

Mayor Taylor then opened the Public Hearing on this matter. Al Suddeth was recognized and said that while he did not oppose Mr. Sulaski's request, he was also not strongly in favor of it. Hearing no further comments from the public or Commissioners, Mayor Taylor then closed this Public Hearing.

Public Hearing: Public Assessment – Providence Terrace Water Line Extension Project

In January of last year, the Town received a request from Erskine Clarke, who owns a lot on Providence Terrace to locate a private water line along a public right way. The Board voted to allow the temporary use of the right-of-way with the understanding that in the near future, a six-inch water main will be

installed by the Town and the cost assessed against the benefiting property owners. Chapter 160A, Article 10 of the North Carolina General Statutes sets forth the procedures that must be met in order to assess property owners for public utility extensions. The Board adopted a preliminary assessment resolution at their November meeting which directed notification of affected property owners and set a public hearing on this matter during this meeting. The adoption of the preliminary assessment resolution was the first step for levying special assessments upon benefited properties for water and sewer system extensions. In the resolution, staff chose to base the assessment on the number of lots served and to include only the total material, engineering and contingency costs of the extension. Labor for the installation of the extension will be completed by Town crews. The cost of this portion of the project is estimated at approximately \$35,000 and will be absorbed by the Town. Following the public hearing on this matter, the Board will be asked to adopt an assessment resolution directing that the project be undertaken and the basis on which the special assessments will be levied. Once the project is completed, another public hearing will be scheduled and resolution adopted assessing the benefited property owners.

Mayor Taylor opened the Public Hearing on this matter.

Bill Goodwin was recognized and voiced his strong opposition to the proposed assessment procedure. He stated that because there were no public utility or street improvements to his lot at the time his home was built, he had installed a private roadway as well as water and sewer lines to his home and had maintained them at his own expense since that time. He noted that other property owners on Providence Terrace had also installed private water and sewer lines at their own expense and felt that to require their removal or abandonment was unfair if those lines were functioning properly. Mr. Goodwin favored continued private maintenance of his individual water and sewer lines and said he was concerned about the potential for water quality issues if required to connect to a single-direction public water line. He felt that the proposed water line extension for only the few homes to be served on Providence Terrace was an unnecessary expense to the Town and to the affected residents. He suggested that if the Town wished to proceed with an assessment action, a water line extension on Peace Lane would be more appropriate due to the greater number of properties that would be served by such a project. Mr. Goodwin then referred to a map indicating the location of several additional lots he owned that bordered the Conservation Easement. He said that because he intended for these properties to remain undeveloped, there was no need for them to be served by public utilities at this time. He also stated that he would like to avoid additional construction traffic and disturbance to Providence Terrace and said that while he would agree to pay any final assessment amount, he did not support the proposed water line extension and would prefer not to be required to connect to the water line once it was completed.

Hearing no further comments from the public or Commissioners, Mayor Taylor then closed this Public Hearing.

Communications From the Mayor

Police Officer First Class Recognition - Officer David Arrant: Mayor Taylor recognized Officer David Arrant for his recent promotion to Officer First Class. Chief McClintock reviewed the qualifications and testing necessary for promotion to this rank pursuant to the department's Career Advancement Policy.

Medal of Merit Award Presentation - Officer Lee Blevins: Mayor Taylor presented a certificate and medal of merit to Officer Lee Blevins in recognition of his arrest of individuals responsible for a series of thefts throughout Montreat during the summer months. Chief McClintock provided a brief description of the arrest and explained how Officer Blevins' actions warranted recognition for exceptional service.

Plaque Honoring Commissioner Bill Hollins' Service to Community: Mayor Taylor presented a commemorative plaque to departing Commissioner Bill Hollins and thanked him for his years of service to the Board. Commissioner Hollins thanked Mayor Taylor for hosting the reception held immediately prior to this meeting. He said he had enjoyed his time serving as a member of the Board and also commended the Town staff for their efforts.

Board and Commission Vacancies: Mayor Taylor listed all of the members of the Audit Committee, Board of Adjustment, Montreat Landcare Committee, Open Space Conservation Committee and Planning and Zoning Commission and thanked them for their service. She also mentioned several existing and upcoming vacancies to many of these committees and encouraged anyone interested in serving to submit a membership application for consideration.

Invocation Discussion: In response to recent litigation against Forsyth County concerning whether invocations made at public meetings are a violation of the First Amendment to the United States Constitution, the Board will discuss this matter in more detail at their annual Board Retreat.

Review of the Consent Agenda

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

- November 12, 2009 Town Council Meeting minutes
- Appointment of Steve Aceto as Montreat's representative to the Metropolitan Sewerage District Board

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 \$537,400 in funding through this Act, which will be used for well site construction on Harmony Lane and water line extensions along Greybeard Trail. Funding was also received for the purchase and installation of an automated water meter reading system.

Charlie Caldwell Memorial Arrangements: A memorial fund has been established at Fifth Third Bank to assist former Public Works Director Charlie Caldwell's family with outstanding medical bills and other expenses. Deposit slips designated for this fund are available at the Black Mountain branch office for anyone interested in making a donation.

Woodland Road/Revised Street Standards Update: Staff is still working to complete proposed revisions to the Town's street standards regulations allowing a minimum street width of 14' in certain instances, as well as changes to the proposed stormwater control plan for Woodland Road. These items will be presented for consideration at the January 2010 Town Council Meeting.

2010 Census Update: Mr. Nalley again stressed the importance of community-wide participation in the upcoming 2010 Decennial Census, stating that the population counts determined during this process will set thresholds for federal and State funding to the Town for the next ten years.

Administrative Reports

Police Chief: Chief McClintock gave his departmental activity report for the month of November and noted a normal amount of activity for the period.

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

- Garbage disposal amounts decreased by three tons compared to November 2008. Recyclable item disposal amounts increased by one ton over the same period. Approximately 1500 bags of leaves have been collected since the beginning of autumn.
- All paving and crosswalk installation work along Appalachian Way has been completed. The final storm drain on Mecklenburg Circle has also been installed.
- Ten bids were received at the November 23 bid opening for the automated meter reading system. A recommendation for bid award for this project will be presented for approval under New Business.
- Five bids were received at the December 3 bid opening for the Harmony Lane well construction and Greybeard trail water line installation project. A recommendation for bid award for this project will also be presented for approval under New Business.
- November's water loss due to unaccounted usage was 15.5%
- The Town's well pumps are running between six and eight hours daily.

Finance Officer: Mr. Stackhouse presented and reviewed the final October 2009 and preliminary November 2009 Financial Statements. He also summarized an updated cash and investments report for the period ending November 30, 2009, which reflected investment activity since last week's Agenda Meeting.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and building inspections report for the month of November. He also reported that at their November meeting, the Planning and Zoning Commission reviewed the General Ordinance's noise control regulations and directed staff to begin researching examples of a minimum housing code suitable for Montreat. The Commission also recommended that Emory Underwood be appointed as their representative to the Institutional Parking Study Committee. Discussion was then heard concerning the recent storage of building materials in the paved area beside the Montreat Gate. Staff will develop a policy regulating this practice for the Board's consideration.

Commissioner Reports

Mayor Pro Tem Nichols said he had resigned from the Black Mountain Center for the Arts Board effective this month. He asked that another member of the Council be appointed to serve in his place, and also encouraged any interested members of the public to volunteer at the Center.

Commissioner Currie had no report at this time.

Commissioner Hollins reported that the Audit Committee had met recently to review the draft annual audit report prior to its submission to the Local Government Commission for final approval.

Commissioner McCaskill had no report 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 commended Philip Arnold and Bob Tuttle for their service to this committee and announced that Mr. Tuttle was recently appointed to serve as its Vice Chair.

Public Comment

Wade Burns congratulated Mayor Taylor on her recent re-election. He also expressed his appreciation for each of the seated Commissioners and Commissioner-elect Mary Standaert, and thanked departing Commissioner Bill Hollins for his service to the community.

Bob Tuttle, Montreat Conference Center's Vice President for Youth & Young Adult Ministry, thanked Commissioner Hollins for his service and also congratulated Officers Arrant and Blevins for their accomplishments. He asked the Board to consider the Conference Center's practice of encouraging large tour buses to use the parking lot near the Montreat Gate for safety reasons as part of their deliberation of any new parking or equipment storage regulations for this area.

Commissioner Tate recognized Joe Standaert's work on the Montreat Landcare Committee.

Mayor Taylor invited the public to visit the Town's Native Plant Garden established through the Montreat Landcare Committee near the Memorial Garden.

John Craven thanked Mr. Burns for his concern for the community and for his candidacy in the recent mayoral election.

Old Business

Right-of-Way Reduction Request – Robert Sulaski, Longmeadow Homes: Commissioner Hollins moved to adopt Resolution #09-12-0001 Ordering the Closure of a Portion of Unnamed Unopened Right-of-Way Adjacent to Lot 30 Along Chapman Road. Commissioner Currie seconded. During discussion, Commissioner Currie commended Mr. Sulaski for his efforts to minimize the environmental

impact of the roadway on residential development in this area. She felt that granting the right-of-way reduction request protected Rainbow Trail and was consistent with the Town's land conservation ethic. The motion then carried 5/0.

Resolution Directing That the Providence Terrace Water Line Extension Project Be Undertaken: Mayor Pro Tem Nichols moved to adopt Resolution #09-12-0002 Directing That the Providence Terrace Water Line Project Be Undertaken. Commissioner Hollins seconded. Discussion was then heard concerning whether it may be appropriate to exclude Mr. and Mrs. Goodwin's developed property from the assessment roll once the water line extensions were completed, and at what point in the process such a decision should be made. Mayor Taylor explained that at this time Council was only being asked to consider approval of the Resolution directing that the project be undertaken, and that the assessment roll would be considered as a separate matter once the water line extension was complete. Mr. Nalley cited Providence Terrace and Peace Lane as areas with good potential for future development and said staff would recommend at least installing a water meter connection for the Goodwin home in case it was needed at a later time. He said the Council could then decide whether to require the Goodwins to connect to the public water line or to include them in the assessment roll once the extension was completed. After further discussion, the motion carried 5/0. The Council also agreed by consensus to install a water meter connection for the Goodwin home and to decide at a later time whether to include this property in the assessment roll for the water line extension project.

Establishment Of An Institutional Parking Study Committee and Membership Appointments: Commissioner Hollins moved to adopt Resolution # 09-12-0003 Establishing the Montreat Institutional Parking Study Committee and to appoint the following representatives: Richard Sills, Alan Edwards, Emory Underwood, Martha Campbell and Mary Standaert. Mayor Pro Tem Nichols seconded. After brief discussion, the motion carried 5/0. A copy of this Resolution is attached to these minutes and incorporated herein by reference.

New Business

Oaths of Office: Town Clerk Misty R. Gedlinske administered the Oath of Office to Letta Jean Taylor as Mayor of the Town of Montreat. Once sworn, Mayor Taylor then administered Oaths of Office to Ruth D. Currie, Eric M. Nichols and Mary Standaert as Commissioners of the Town of Montreat.

Election of Mayor Pro Tempore: Mayor Taylor opened the nominations for Mayor Pro Tempore of the Board of Commissioners. Commissioner McCaskill nominated Commissioner Nichols. Hearing no others, Mayor Taylor closed the nominations. Commissioner Nichols was appointed Mayor Pro Tempore of the Board of Commissioners by unanimous vote.

Planning and Zoning Commission Recommendation: Montreat General Ordinance Chapter I, Article II "Noise Control": Mr. Currie stated that upon their recent review of the Town's noise control regulations, the Planning and Zoning Commission had determined that the current language of Article II of the Montreat General Ordinances provided adequate protection for residents from nuisance levels of noise generated by seasonal use of outdoor power equipment and other related activities. No recommendation for change is made at this time. During discussion, Commission Currie reiterated her

previous comments that she is disappointed by this decision and will work with Commissioner Tate to prepare proposed revision language for the Council's consideration.

Proposed Revision to Montreat Zoning Ordinance Article IX – Off-Street Parking and Loading Regulations, Section 900.86 “Off-Street Parking Space Requirements – Boarding Houses”: Mr. Currie said that during their recent review of Institutional parking requirements, the Planning and Zoning Commission felt that the Zoning Ordinance did not provide specific parking requirements for lodge facilities. The Commission recommended assigning the same parking regulations to “Lodges” as is currently prescribed for “Boarding Houses” in Section 900.86 of the Zoning Ordinance to clarify that one space for each guest room and one space for each owner or manager residing on the premises is required for both of these similar uses. Commissioner Currie moved to call for a Public Hearing on January 14, 2010 at 7:00 p.m. or as soon thereafter as possible to discuss proposed revisions to Montreat Zoning Ordinance Article IX – Off-Street Parking and Loading Regulations Section 900.86 “Off-Street Parking Space Requirements – Boarding Houses.” Mayor Pro Tem Nichols seconded and the motion carried 5/0.

Recommendation of Award - Automated Meter Reading System Contract: The Town received an award of \$224,400 from the American Recovery and Reinvestment Act (ARRA) of 2009 toward the purchase of an automated water metering system (AMR). This technology will allow Public Works Department staff to take meter readings electronically through the use of a radio signal emitted from the water meter and interpreted through software installed on a laptop computer. The benefits of using an AMR system include more precise readings, improved efficiency and greater employee safety. Installation is expected to begin in late December or early January, and service disruptions during this time should last no longer than fifteen minutes per household. Mr. Nalley explained that all funds awarded for the AMR system must be used only toward the installation and implementation costs of the project. He also stated that the bid amount requested for approval did not include any engineering or administrative costs. After further brief discussion, Mayor Pro Tem Nichols moved to award the Automated Meter Reading System project to Cooper Construction Co., Inc. in the amount of \$179,898 contingent upon approval from the Public Water Supply Section of the North Carolina Department of Environment and Natural Resources and the receipt of ARRA funding and to authorize the Mayor and Town Administrator to execute the necessary contract documents. Commissioner McCaskill seconded. The motion carried 5/0.

Recommendation of Award - Harmony Lane Well Site Construction and Greybeard Water Line Extension Project: Commissioner Currie moved to award the Harmony Lane Well Site Construction and Greybeard Trail Water Line Extension project to Patton Construction Group, Inc. in the amount of \$197,600 contingent upon approval from the Public Water Supply Section of the North Carolina Department of Environment and Natural Resources and the receipt of ARRA funding and to authorize the Mayor and Town Administrator to execute the necessary contract documents. Mayor Pro Tem Nichols seconded. During discussion, Mr. Nalley said that because the awarded bid amount was much lower than expected, the Town may be allowed to include installation of a well site on Greybeard Trail as an addendum to this project since it was originally only partially funded. Negotiations between the Town and the Mountain Retreat Association for the purchase of land for a well site along Greybeard Trail will resume shortly. The motion then carried 5/0.

**Montreat Board of Commissioners
Town Council Meeting
December 10, 2009**

Public Works Director Appointment: Commissioner Tate moved to appoint Stephen Freeman as the Public Works Director for the Town of Montreat with a salary of \$45,912.70 effective December 14, 2009. Commissioner Currie seconded, and commended Mr. Freeman as capable and qualified for the position. The motion carried 5/0.

Appalachian Way and Lookout Road Intersection Traffic Control: Commissioner Currie moved to designate the intersection of Appalachian Way and Lookout Road as a four-way traffic stop. Mayor Pro Tem Nichols seconded. During discussion, Mr. Nalley explained that with the completion of the paving and crosswalk installation on Appalachian Way, staff recommended changing this intersection to a four-way stop for pedestrian safety reasons. Signs will be installed alerting drivers to the change in traffic control. After further brief discussion, 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>December Planning and Zoning Commission Meeting:</u>	December 17, 2009, 7:00 p.m., Kirk Allen Building
<u>Town Services Office Closed:</u>	December 24-25, 2009 Christmas Holidays
<u>Agenda Item Deadline:</u>	December 31, 2009, 4:30 p.m. Town Services Office
<u>Town Services Office Closed:</u>	January 1, 2010 New Year's Day Holiday
<u>January Agenda Packets Available:</u>	January 5, 2010 Town Services Office
<u>January Montreat Landcare Committee Meeting:</u>	January 5, 2010, 9:30 a.m., Andy Andrews Gallery
<u>January Agenda Meeting:</u>	January 7, 2010, 7:00 p.m., Kirk Allen Building
<u>January Town Council Meeting:</u>	January 14, 2010, 7:00 p.m., Kirk Allen Building

**Montreat Board of Commissioners
Town Council Meeting
December 10, 2009**

Town Services Office Closed:

January 18, 2010
Martin Luther King, Jr. Holiday

Rescheduled Sanitation Collection Date:

January 19, 2010, 8:00 a.m.

January Planning and Zoning Commission
Meeting:

January 21, 2010, 7:00 p.m.,
Kirk Allen Building

Closed Session

Commissioner Currie 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 McCaskill seconded and the motion carried 5/0. No action was taken during Closed Session. Upon returning to open session, Commissioner Currie moved to proceed with acceptance of a donation of real property from Sara P. Hill and Mary A. Hill, PIN# 0710-97-6155-00000 and to authorize Commissioner Currie to execute any necessary legal documents. Mayor Pro Tem Nichols seconded and the motion carried 5/0.

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 8:50 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk