

**Town of Montreat
Board of Commissioners
Town Council Meeting
December 11, 2008 – 7:00 p.m.**

The Montreat Board of Commissioners held their regularly scheduled Town Council Meeting on December 11, 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, Commissioner Bill Hollins and Commissioner O'Neil Tate. Commissioner Jack McCaskill was absent. Representing Town Staff were Town Administrator Ron Nalley, Chief of Police William B. McClintock, Town Clerk Misty R. Gedlinske, Finance Officer Stefan Stackhouse and Building Inspector/Code Administrator David Currie. Twelve 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 Rev. Fred Holder gave the invocation.

Agenda Approval

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

**Public Hearing – Proposed Revisions to the Ordinance Regulating
Wireless Communications Technology**

Mr. Nalley explained that the proposed ordinance revisions would allow the Board of Commissioners to have final approval for monopole-style towers up to 180' in height on Town-owned property. He also stated that additional revisions and updates to the ordinance were planned once the zoning and permitting process for the Towers XX proposal was completed. Mayor Taylor then opened the public hearing on this matter.

Campbell Tucker said he was unsure what was inadequate about the way the existing ordinance was written. Mr. Nalley replied that the 80' height limit for towers on town-owned structures was not feasible for locating a cellular tower on either the Harmony Lane or Appalachian Way water tower sites and may potentially expose the Town to possible litigation due to possible incompatibility with current federal communications laws. Mr. Tucker was also concerned that the current ordinance seemed to be biased toward the use of existing structures. Mr. Nalley replied that the proposed tower would be the first to be constructed within the Town; therefore collocation on an existing structure was not an option. He also explained that because up to five carriers would share antenna space on the same structure an additional tower may not ever be needed in the future. Mr. Nalley emphasized that the main goal of the proposed ordinance revisions was not to allow a taller tower, but to grant the Board of Commissioners final approval and control over cellular tower construction on town-owned property. He also stated that Towers XX was willing to consider other potential tower locations on privately-owned property that would allow a shorter tower but with less control over its height and appearance that could be approved through a Conditional Use Permit process.

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Mr. Tucker said he doubted whether a cellular tower within Montreat was truly necessary. Mr. Nalley said that Montreat College administration, Montreat Conference Center leaders and members of the Council had all received letters from citizens and visitors who had complained of poor cellular service within the Town. Mayor Taylor also noted that the Police and Public Works Department employees did not have reliable signal when working in certain areas. Daniel Bennett read a statement on behalf of Montreat College President Dan Struble emphasizing the need for reliable cellular signal coverage for emergency contact purposes and encouraging the Board to approve the tower proposal.

Mr. Tucker felt that the view from homesites neighboring the proposed tower location would be significantly impacted and suggested that the College and Conference Center consider constructing towers on their own properties if they wished to improve cellular signal for their own purposes. Mayor Pro Tem Nichols said he had noticed several large trees between Mr. Tucker's home and the Appalachian Way water tower that would provide natural screening between the two properties. He also stated that a tower placed on College or Conference Center property would be much more visible from many more areas within the Town and by a greater number of residents and visitors. Commissioner Hollins assured Mr. Tucker that the Council was not acting in a hasty manner and that all possible alternatives were being reviewed. He also suggested that Mr. Tucker obtain a copy of an e-mail from Mr. Nalley to another concerned resident explaining the Council's options and limitations the Council must weigh when making their decision. Mr. Tucker said he had received a copy of the e-mail but had not had a chance to read it. Commissioner Currie stated that the Council had been reviewing this issue for several months and had made several attempts to notify the public and make information about the tower proposal available.

Lenore Tucker said she was disappointed that the property owners on Appalachian Way were not personally notified of Towers XX's proposal. She stated her concerns about potential noise and visibility problems at the Shaw family's property, and asked that the tower not be constructed on the portion of the water tank site closest to the Vesper Dell if Council chose to approve Towers XX's proposal. Mayor Taylor said that the screening and landscaping that would be required at the Appalachian Way site would mean that neighboring property owners would not be able to see as much of the water tank as was currently visible. Mr. Tucker also said he felt that construction of a cell tower at the proposed site would be inconsistent with the surrounding residential neighborhood and Conservation Easement area. Elliott Hester commented that Council had dealt with the issue of cellular communication towers at several times over the past few years, and said that those who objected to the proposal could have chosen to be present at any of the other Council meetings where this matter was discussed. Hearing no further comments, Mayor Taylor then closed the public hearing on this matter.

Communications From the Mayor

Mayor Taylor announced that there would be a reception immediately following tonight's meeting in honor of the Town's staff and volunteer board and committee members. She read the membership lists of each board and committee aloud and thanked each participant for their service.

Review of the Consent Agenda

Mr. Nalley stated that with the adoption of the Consent Agenda, the Board had approved the minutes of the October 23, 2008 Special Meeting, October 29, 2008 Special Meeting and November 6, 2008 Agenda Meeting. He said that the November 13, 2008 Town Council meeting minutes were not yet completed and would be presented for approval in January.

Communications from the Town Administrator

Charter Communications Annual Rate Justification Filing: Mr. Nalley presented a letter from Charter Communications which accompanied their annual rate justification filing for 2009. He said that staff would likely ask the Board to consider contracting with an independent firm to review these reports as future goal.

2010 Census Jobs: Mr. Nalley reported that the U. S. Census Bureau was recruiting qualified applicants for temporary employment as part of the 2010 Census. He encouraged local residents to participate in order to obtain the most accurate population count.

Mr. Nalley also said that Montreat resident Wade Burns had offered his assistance in securing potential federal economic stimulus grant funding for certain capital projects. He explained that much of these funds would be directed toward projects that would be ready to begin as soon as funding was received, and that Town staff generally looked to the current Capital Improvements Plan to guide capital improvements project scheduling and funding. He noted that repairs to the Texas Road bridge, water line replacement on Greybeard Trail, or well site drilling would all be good examples of projects that may qualify for federal stimulus package funding. Mr. Burns said that over the past thirty years, he had helped municipalities secure over \$100 million in federal grant funding. He recommended that the Council locate and retain a skilled grants writer to work with the Town's engineering firm and staff members to determine the best capital project options or other areas of greatest need for funding assistance. He advised that these steps may give the Town an advantage in applying for federal funding and offered his assistance in any way the Board may feel appropriate. Mayor Taylor advised that Town staff was already working with McGill Associates on the Texas Road bridge replacement project, and that grant writing assistance was available from the Land-of-Sky Regional Council. Mr. Nalley said that he and certain members of the Board had previously contacted

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Representative Heath Shuler's office and were planning a visit to Montreat with representatives from Mr. Shuler's office to review the Town's capital projects and other funding needs. He stated he would also speak with Mr. Burns about assistance with other possible federal grant options.

Administrative Reports

Police Chief: Chief McClintock gave his activity report for the month of November. He explained that the increased number of officer-initiated activity was largely attributed to public relations efforts made by Officer Jack Staggs, and that the increase in hours worked by the Town's auxiliary officers was needed to compensate for vacation and other leave time taken by full-time officers. In response to Commissioner Currie's inquiry, he stated that the improperly harvested galax plants recently confiscated from the Greybeard Trail area could not be replanted and were disposed of. Chief McClintock also reported that he had discovered that the \$14,000 purchase price Egolf Motors had listed for a Dodge Charger was misquoted, and that the actual cost of the vehicle was approximately \$25,000. The Council agreed by consensus to table further discussion of this matter until their January meeting. Mayor Taylor then read aloud from a letter of appreciation from Martha Peterson, thanking Officer Staggs for his assistance with a recent minor traffic accident near the Montreat Gate.

Public Works Director: In Mr. Caldwell's absence, Mr. Nalley listed the tonnage amounts of garbage and recyclables collected during the month of November. He advised that Town crews had recently completed a water line connection and meter relocation project on Texas Road Extension, and that 1.2 million gallons of water received from the Town of Black Mountain over the summer months had been returned to date. Mr. Nalley also reported that the monthly water loss had increased to 14% for the month of November, and that production at Well A had dropped from 140 gallons per minute to only eight gallons per minute. He said that Mr. Caldwell planned to work on this well to try to determine the cause of the blockage and whether it can be repaired.

Finance Officer: Mr. Stackhouse presented and reviewed the final October and preliminary November 2008 Financial Statements. There were no comments or questions from the Board at this time.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the zoning activity and building inspections report for the month of November. Mayor Taylor thanked Mr. Currie for his work in setting up the Hillside Development workshops. Mayor Pro Tem Nichols and Commissioner Currie also praised Mr. Currie for recently completing the Certified Zoning Official training course and other continuing education classes.

Commissioner Reports

Mayor Pro Tem Nichols said he had asked the Council to consider holding a workshop meeting in January or February to review the Revenue Source Committee's recommendations on vehicle fee regulations. He asked that this workshop be scheduled at the January Town Council meeting. He also reported that the Black Mountain Center for the Arts was having a serious financial difficulty due to lack of donations and asked anyone interested to consider making a contribution.

Commissioner Currie reported that the Open Space Conservation Committee was moving forward with the first donation of real property into permanent conservation. She thanked the Mountain Retreat Association, the Whitworth family and Town staff for their assistance with this project.

Commissioner Hollins said that the Audit Committee would meet to review the annual audit once it was approved by the Local Government Commission.

Commissioner McCaskill was absent.

Commissioner Tate reported that the minutes of the Parks and Recreation Committee's recent meeting had been completed and e-mailed to the Commission members.

Public Comment

There were no comments from the public at this time.

Proposed Telecommunications Tower Facility Lease Agreement - Towers XX, LLC: Mr. Nalley said that as a result of comments heard at their November Town Council meeting, the Board had requested several revisions to the proposed lease agreement as well as a report from Tower XX as to whether alternative sites were available that could possibly accommodate a smaller, less conspicuous structure. He advised that Towers XX representative Andy Ward and confirmed that there were other potential tower locations on privately-owned property that would allow a shorter tower but with less control over its appearance and no rental income to the Town. Mr. Nalley then stated that the Board had chosen to delay further discussion of this matter until the December meeting, and asked for their direction to either move forward with the proposed lease agreement for the town-owned site or to work with Towers XX to find an alternative site that might be less obtrusive.

During discussion, Commissioner Hollins said he was concerned about how visible the proposed tower would be at the Appalachian Way water tank site. He noted that the balloon testing at the site was originally done at 160 feet and asked that another test be done at 180 feet to provide more accurate information on how visible the tower would be from several locations throughout the Town. Mayor Pro Tem Nichols agreed with this

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suggestion and said he would prefer a single tower at the Appalachian Way water tank site over the possibility of several smaller towers located in other areas. Commissioner Currie supported a second balloon test at 180 feet but also said she was disappointed that the Board did not have the ability to prevent the construction of cellular towers within the Town. Mayor Taylor noted that during the first balloon test, the size of the balloon was larger than the top portion of the proposed tower and asked if the balloon used during a second could be the same diameter as the top of the monopole. Commissioner Tate agreed with the second balloon test but also cautioned that not everyone would be happy with any decision the Council made on this issue. After further discussion, the Board agreed by consensus to hold a second balloon test at the Appalachian Way water tank site using a balloon that was the same diameter as the top portion of the proposed tower. Campbell Tucker was recognized and again urged the Council to consider all possible options before making their final decision, including the possibility of constructing the tower on a different location within the Town.

Proposed Revisions to the Ordinance Regulating Wireless Communication Technology for the Town of Montreat: Mayor Taylor asked that action on this item be tabled until the January Town Council meeting. The Board agreed by consensus.

Proposed Revisions to the Ordinance Regulating the Construction and Financing of Public Improvements: After discussion, the Board agreed to hold a workshop meeting on this matter on January 5, 2009 at 4:30 p.m. in the Town Services Office.

New Business

There were no items of New Business for discussion at this time.

Public Comment

Susan Neville commented on her assistance to the census workers during the 2000 Decennial Census.

Lenore Tucker asked for a description of the size of the base of the proposed cell tower and how much ground would be covered by equipment on the proposed site. Mr. Nalley estimated that the base of the monopole-style tower would be between five and six feet in diameter at the bottom, tapering to about two to three feet in diameter at the top. He also explained that the equipment at the bottom of the tower would be stored on a lot between 4,000 and 5,000 square feet in size, and would be positioned in a stacked arrangement. He also pointed out that the Tower would be required to comply with the Town's noise ordinance regulations. Mrs. Tucker asked whether the tower could be placed behind the existing water tank. Mr. Nalley said this option could be discussed with Towers XX if the Board chose to pursue approval of the lease agreement for this site.

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Meeting Dates

<u>Planning & Zoning Commission Meeting:</u>	December 18, 2008, 7:00 p.m., Kirk Allen Building
<u>Agenda Items Due:</u>	December 24, 2008, 4:30 p.m., Town Services Office
<u>Town Services Office Closed:</u>	December 25-26, 2008 Christmas Holidays
<u>Agenda Packets Available:</u>	December 30, 2008 Town Services Office
<u>Town Services Office Closed:</u>	January 1, 2009 New Year's Day Holiday
<u>Public Improvements Ordinance Workshop:</u>	January 5, 2009, 4:30 p.m., Town Services Office
<u>Montreat Parks & Recreation/LandCare Committee Meeting:</u>	January 6, 2009, TBA Andy Andrews Gallery
<u>January Town Council Meeting:</u>	January 8, 2009, 7:00 p.m., Kirk Allen Building
<u>January Planning & Zoning Commission Meeting</u>	January 15, 2009, 7:00 p.m., Kirk Allen Building
<u>Town Services Office Closed:</u>	January 19, 2009 MLK, Jr. Birthday
<u>Sanitation Services Delayed (MLK Jr., Birthday)</u>	January 20, 2009

Adjournment

There being no further business to discuss, Mayor Pro Tem Nichols moved to adjourn the Town Council Meeting. Commissioner Hollins seconded. The motion carried 4/0 and the meeting was adjourned at 8:20 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk