

**Town of Montreat
Board of Commissioners
Town Council Agenda Meeting
January 7, 2016
Walkup Building**

Board members present: Mayor Tim Helms
Mayor Pro Tem Kitty Fouche
Commissioner Bill Gilliland
Commissioner Mary Standaert
Commissioner Ann Vinson

Board members absent: None

Town staff present: Ron Nalley, Town Administrator
Stefan Stackhouse, Finance Officer & Deputy Town Clerk
Jack Staggs, Chief of Police
Steve Freeman, Public Works Director
Barry Creasman, Senior Water Operator
David Currie, Building Inspector/Code Administrator
Angie Murphy, Town Clerk

Approximately 18 members of the public were also present. Mayor Helms called the meeting to order at 7:00 p.m., and led the group in reciting the Pledge of Allegiance and in prayer.

Agenda Approval

Mayor Helms welcomed everyone to the meeting and asked if there were any changes to the agenda. Commissioner Standaert requested Staff contact Matt Ashley about attending a future meeting to provide an update on the Metropolitan Sewerage District Board. Commissioner Vinson pointed out a minor typographical error in the December 3, 2015 minutes.

Mayor's Communications

Mayor Helms again welcomed Commissioner Fouche and Commissioner Gilliland and thanked Mr. Nalley for assisting them with some basic orientation.

Consent Agenda Review

The proposed Consent Agenda will include the following items:

- December 3, 2015, Agenda Meeting
- December 10, 2015, Town Council Meeting
- Re-appointment of Matt Ashley to the Metropolitan Sewerage District Board for a term of three years to expire on January 20, 2019

Town Administrator's Communications

- Mr. Nalley reminded everyone that the Board Retreat will be held on February 8, 2016 at the Manor House in Black Mountain.
- Mr. Nalley reminded the Council to bring their calendars in anticipation of scheduling his Annual Performance Review which occurs in January. He advised that members of the previous Council, former Mayor Taylor, Commissioner Campbell and Commissioner McCaskill, would be invited to participate since they worked with him during the previous year but the new Council were also welcome and encouraged to sit in on the review process.
- Mr. Nalley stated that there have been problems with the Council Ipad's and suggested that if anyone needed help to bring them by the Town Services Building.
- Mr. Nalley also requested that the Council come prepared at the next meeting for a new photo for the Town website.
- In response to a question from Commissioner Vinson, Mr. Nalley will provide an update on the two newly named roads at their next meeting.

Administrative Reports

The Board will hear administrative reports from the Police Chief, Public Works Director, Finance Officer and Building Inspector/Code Administrator during next week's Town Council meeting.

Public Comment – Agenda Items

Mayor Helms reiterated that this Public Comment period was intended for remarks pertaining to items listed on the meeting agenda, including staff reports and communications.

There were no comments from the public at this time.

Old Business

There were no matters under Old Business scheduled for discussion.

New Business

- A. Proposed Revisions to Montreat General Ordinance, Chapter K, Article IV-Hillside Development, Section II: Mayor Helms requested that Mr. Currie give the Board a brief explanation about the proposed steep slope provisions. Mr. Curry stated that at the 2015 Annual Board Retreat, the Board asked staff to have the Planning and Zoning Commission review the required setbacks listed for various zoning districts. During development of the Comprehensive Plan in 2006-

2007, there was mention of modifying building setbacks in the front and rear yards based upon steeply-sloping conditions of some lots, as well as the suggestion of increasing front yard setbacks for properties under development within the Assembly Drive Corridor to maintain visual consistency. In keeping with the guidance of the Comprehensive Plan, the Hillside Development Ordinance (adopted in 2009) does include provisions for administratively reducing the front yard setback of smaller lots within steeply sloping areas by as much as 50% for the associated zoning district. At their November meeting, the Planning & Zoning Committee reviewed various setback provisions in the developmental ordinances and submitted the recommendation presented tonight.

- B. Proposed Revisions to Montreat Zoning Ordinance Article VI-General Provisions, Section 612-4-Reasonable Accommodations: Mayor Helms asked Mr. Currie to give a brief explanation about the Federal Fair Housing Act. Mr. Currie stated that the Federal Fair Housing Act requires that municipalities make reasonable accommodations in their development and zoning codes to provide persons with disabilities the option of using their properties in the same way as people with non-disabilities. The Montreat Zoning Ordinance does provide some accommodation that allows persons with disabilities to request modification of the zoning setback(s), enabling construction of accessibility features. This change occurred in 2013 in response to a renewed awareness of specific requirements under the Federal Fair Housing Act (FFHA). Earlier this year, a case came before the Board of Adjustment that questioned whether the Town had gone far enough. A property owner requested a variance to allow additional square footage to an existing bathroom for increased accessibility. After reviewing the variance request and other case law for similar situations, staff decided that a variance procedure and the associated findings is not well-suited to consider modifying provisions of the zoning ordinance under the FFHA. It is Staff's belief that a Conditional Use approval process or a similar approach better addresses the need to provide reasonable accommodation, since a variance is tied to particular physical aspects of the property irrespective of the applicant's condition. Commissioner Standaert recommended that members of the Planning and Zoning Committee be invited to the meeting to share their thoughts on this matter and to give them an opportunity to ask questions during the Public Comment portion of the meeting.
- C. Appoint a Primary Delegate and an Alternate Delegate to the Land of Sky Regional Council: In response to a question from Commissioner Standaert, Mr. Nalley stated that the Land of Sky Regional Council preferred that the delegate be an elected official.
- D. Town Services Building Roof Repair: Mr. Nalley explained that the roof at the Town Services Building has developed a bad leak, and while patched several times, is at the point where a new roof is needed. Mr. Nalley advised that the bid in question is only for roof repair and not for ceiling/carpet repair or mold removal.
- E. Vacancy on Town Council: Commissioner Vinson referenced Rule Number 30 in the Council's Rules and Procedures which states the Council needs to nominate, debate and appoint a

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replacement for the vacant seat on the Board and feels that the wording on the suggested motion needs to be changed to reflect the procedures in place. Mr. Nalley advised that there isn't a specific method for filling a vacant seat in State statutes and that it is normally up to the discretion of the Board. Commissioner Vinson stated that she would like to include the verbiage "nominate" so members of the community who are interested can apply and have an opportunity to serve. Commissioner Standaert asked about past instances regarding vacancies on the Council. Mr. Nalley advised that at least in one instance applications were taken from the community and then voted upon. Commissioner Standaert recommended using the current general Board application form and putting it out there for the community at large with a time limit to return the forms for the Board to review. Mr. Nalley stated that there are two methods normally used to choose from the applications: motion/vote and nomination/ballot. After general discussion Commissioner Vinson moved to use the nominate/ballot method. Commissioner Standaert seconded and the motion carried 3/1 with Mayor Pro Tem Fouche voting against the motion. Forms will be made available on the Town website and at the Town Services Building.

Public Comment - Other Topics

Mayor Helms reiterated that this Public Comment period was intended for remarks pertaining to public business items not listed on the meeting agenda, including any reports or communications from other community entities.

Philip Arnold of 530 Magill Drive implored the new Council to do better than the US Congress. He asked the Council to listen to their consciences, utilize judgment, and do their homework with regards to decisions made on behalf of Montreat.

Commissioner Communications

There were no Commissioner Communications at this time.

Upcoming Meeting Dates

Mayor Helms will review the following list of upcoming meeting dates and deadlines next week.

<u>January Town Council Meeting:</u>	January 14, 2016, 7:00 p.m. Walkup Building
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<u>Town Services Office Closed:</u>	January 18, 2016 Martin Luther King, Jr Holiday
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<u>Agenda Items Due:</u>	January 29, 2016 by 5:00 p.m. Town Services Office
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Landcare Committee Meeting:

February 2, 2016
Town Services Office

February Agenda Meeting:

February 4, 2016, 7:00 p.m.
Walkup Building

February Town Council Meeting:

February 11, 2016, 7:00 p.m.
Walkup Building

Closed Session

Commissioner Vinson moved to enter into Closed Session in accordance with North Carolina General Statute §143-318.11(3) for attorney consultation regarding the Civil Action: Carolyn Zoe Crowder, John L. Currie, Nancy B. Thomas, Henry W. Darden, Jr., and wife, Carolyn V. Darden, Plaintiffs, versus the Town of Montreat, Defendant. Commissioner Fouche seconded and the motion carried 4/0.

Upon a motion by Commissioner Vinson and a second by Commissioner Gilliland with the motion carrying 4/0, the Board returned to Open Session at 8:28 p.m. No action was taken during the Closed Session.

Adjournment

Upon returning to open session, Commissioner Gilliland moved to adjourn the Agenda Meeting. Commissioner Vinson seconded and the motion carried 4/0. The meeting was adjourned at 8:29 p.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk