

REGULAR BOARD MEETING of April 23, 1997, with Mayor John Cleaveland and Commissioners H. N. James, Mike McCall, Zeke Sossomon, and Donnie Calloway present; Comm. Sanders arrived later in the meeting.

Also present were Richard Betz, Lamar Nix, E. H. Madden, Curtis Hayes, Dr. Louis Reynaud, Bob Morris, David Hourdequin, Alan and Jane Lewis, Steve and Brenda Pierson, Ran and Margaret Shaffner, Jack Shaffner, Tom Shaffner, James Tate, Georgia Allen, Alan Marsh, Tom and Sara Olson, Beth Ham, and others.

I. Mayor Cleaveland called the meeting to order at 7:00 p.m. He reported that Comm. Sanders had told him he would be late due to transportation problems.

II. The minutes of the April 9 Regular Board Meeting had been distributed by mail.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

III. Reports.

1. The Mayor said that he wanted to respond to some items that had appeared in The Highlander recently. He pointed out that, in order to save money, the Town Attorney—referred to in a recent article as "missing as usual"—was not asked to attend every meeting. He also said that he did not agree with the recent editorial concerning the inability to hear the Board in the meeting room. He admitted that this was sometimes a problem, but all that was needed was a request to speak up. The editorial had almost accused the Board of something underhanded, inferring that decisions were being made before the meeting, which he said was not the case. He felt the request should have been made in a more responsible way instead of slamming the Board.

Comm. McCall commented on the article on the Bowery Water system. He said that the project consisted of replacing Town-owned water lines, and had nothing to do with the Pierson property; he felt the Town had a responsibility to provide clean water to its citizens.

The Mayor agreed; he said the project had been discussed for at least five years, Mr. Pierson had come to the Board and answered its questions satisfactorily last month, and he hoped the Town would do the right thing.

2. The Mayor said that Dennis DeWolf had spoken to him again about the possibility of the Town accepting Carolina Way if the property owners contributed to the cost of paving it to current Town specifications. He had told him that the road was owned by two non-resident property owners, and had asked if funds could be raised and placed in escrow for the paving of the road. The Board asked the Clerk to review the legality of paving the road in this manner, and asked the Public Works Director to update the cost of paving the road using unit prices to be received with the other paving projects at the next meeting.

3. Public Works Director Lamar Nix reported on routine maintenance in the Electric, Street, and Water departments. He reported that the blowers at the Wastewater Treatment Plant had been enclosed subsequent to a complaint last year from a property owner. Lee Reddish had accepted the offer of employment in the Street Department, as agreed at the April 9 meeting, and had begun work. The Electrical Crew had attended a pole-top rescue school sponsored by Haywood EMC last week and become re-certified in this area. The Water Treatment Plant was operating well, and the C-T tracer study was scheduled for Friday or Monday; he expected the old plant to be demolished within the next few weeks. He also reported that he had contacted the D. O. T. concerning seeding along the new curb and gutter on NC-106 at the US-64 intersection.

4. The Clerk reported that he had spoken with Steve Eller of the

Southwestern North Carolina Planning & Economic Development Commission, and the Town's application for ARC grant funds was being processed; he was optimistic that the \$200,000 grant would be approved, and expected to receive word by the end of June.

He also reported that he had executed the contract with Fish & Wildlife Associates for water quality sampling in Lake Sequoyah, which was scheduled to begin on May 6.

5. The Mayor said that he had spoken to Rep. James Carpenter concerning the Town's Room Occupancy Tax bill, which was currently before a sub-committee of the House Finance Committee, and Rep. Carpenter felt confident that the bill would be adopted. He had asked, however, if the Town would be willing to accept inclusion of a referendum provision in the bill if necessary for adoption. The Board agreed by consensus to accept such a provision if necessary.

IV. Old Business.

1. Each Board member had received copies of facsimile transmissions which the Clerk had received from Bronce Pesterfield, David Hourdequin, and J. Wiley Ellis, concerning requests by Bob Morris for two variances from the Subdivision Regulations, as presented at the previous meeting.

Mr. Morris was present and stated that he had owned the subject property for 15 years. He said that when he had purchased the property, he had re-built the road over an old road bed at a cost of \$120,000, burying underground power lines; he had also provided a site for the Town's water tank above his property, and had contributed \$10,000 toward its construction. He had not moved ahead with his subdivision, however. He said he was willing to do whatever the Town told him to do, and was not looking for special favors or making waves. He had been surprised to learn of the current requirement of an 18-foot road width, however, since there was no place on Satulah Mountain where there was a road that wide, and the Worley Road was approximately 10 feet wide below his property.

COMMISSION SANDERS ARRIVED AT APPROXIMATELY 7:30 P.M.

Mr. Morris said that he only wanted to create eight lots, less than the Ordinance would permit, and that the road would be a private, dead-end, paved road. Providing an 18-foot wear surface would require blasting and removal of trees, and would result in increased run-off. He felt this would be hard on himself, new property owners, and existing property owners, and did not see any benefit. He said he would be willing to provide at least two "pass-bys" or turnouts along the road, as well as a 40-foot right-of-way. He felt that this was a unique case, and did not feel the variance request would set a precedent.

The Board discussed the Hobson Subdivision property, owned by Mrs. Anne Haack, which was located south of Mr. Morris's property. The Clerk reported that, according to the Hobson plat, the easement across the Morris property was only 16 feet in width. Mr. Morris was asked if he would be willing to provide a 40-foot right-of-way all the way through his property to the Hobson Subdivision, and he said he would be willing to do so. He also reiterated that the road would remain private.

Comm. Sossomon asked about Worley Road, which was reported to be a Town street. He had no objection to the subdivision, but was concerned with getting to the subdivision.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SANDERS, AND CARRIED TO GRANT THE VARIANCE REQUESTS FOR A T-SHAPED CUL-DE-SAC AND A 12-FOOT ROAD WIDTH, CONTINGENT ON PROVISION OF A 40-FOOT RIGHT-OF-WAY TO THE HOBSON SUBDIVISION PROPERTY, AND ADEQUATE TURNOUTS ALONG THE MAIN ROADWAY MEETING THE APPROVAL OF THE TOWN ENGINEER. The motion carried, with Comms. Calloway, Sanders, McCall, and James voting

"aye"; Comm. Sossomon voted "nay."

V. New Business.

1. Informal bids had been received on replacing brick and concrete sidewalks, as discussed at the previous meeting, and also including some additional new sidewalks, demolition, concrete drives, and planters in front of the Town Hall building. PACO Concrete Construction Co. Inc. had submitted a proposal of \$41,920. Oak Street Gallery, Schmitt Building Contractors, Highlands Paint, and the Masonic Lodge would fund 50% of the sidewalks in front of their buildings, so the Town share of the project would be \$35,747.50. It was pointed out that this bid exceeded the \$25,000 budgeted, but that there were some contingency funds in the Street Department. Mr. Nix said that he expected the paving bids to also exceed budget, as reported at the last meeting, but that the lower portion of Satulah Road could be deducted from the contract if funds ran out. Comm. Calloway said that he felt the uneven steps in front of the Town Hall building needed to be corrected as soon as possible.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ACCEPT THE PROPOSAL.

2. The Clerk reported that a petition for re-zoning had been received from John P. and James W. Tate for a portion of a 2.44 acre tract south of Oak Street and west of First Street, from R-2 to B-3. The Mayor pointed out that several requests had been received for re-zoning recently, including a petition from Dr. Gerson Perry, and they had been deferred until the Land Use survey had been completed; Comm. Calloway agreed that the request would be deferred. The Clerk reported that he expected the surveys to be mailed by the end of next week. Comm. Sanders asked if plants from the nursery could be placed on this property. The Clerk said that both he and the former Zoning Administrator had informed the owners that this commercial use would not be permitted in the R-2 district. The Board agreed by consensus to defer action until survey had been completed.

3. The Clerk reported that a request had been received from Dean Haney of McGill Associates, on behalf of Ernest Franklin, for extension of a sewer line at the end of Mill Creek Lane. Engineering plans had been submitted indicating a service line sewerage the existing residence, plus three proposed new residences, to a manhole north of Mill Creek. An 8" aerial crossing would connect to a manhole south of the Creek, which it was proposed would be dedicated to the Town after the expiration of a one-year warranty. The Clerk understood that Mr. Franklin would pay for the total cost of construction

Comm. Calloway asked if the property was large enough for the proposed residences to be constructed on the property. The Clerk replied that the property was zoned B-3, which permitted a minimum residential lot size of 6000 square feet; he understood that the property was large enough to contain the units. Comm. James felt that a right-of-way should be provided between the manhole north of the creek and Mill Creek Lane so other property owners in the area could access the line. Lamar Nix also pointed out that Mr. Franklin had not yet provided an easement for a proposed replacement of a water line in Mill Creek Lane.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE EXTENSION OF TOWN SEWER TO ERNEST FRANKLIN'S PROPERTY TO TOWN SPECIFICATIONS, AS INDICATED ON THE PRELIMINARY PLANS SUBMITTED, CONTINGENT ON PROVISION OF AN EASEMENT FOR A SEWER LINE BETWEEN THE MANHOLE NORTH OF MILL CREEK AND MILL CREEK LANE, CONTINGENT ON PROVISION OF AN EASEMENT FOR THE PROPOSED WATER LINE IN MILL CREEK LANE, AND PROVIDED THE PROPERTY OWNER PAYS FOR THE TOTAL COST OF CONSTRUCTION.

4. Comm. McCall had asked that the Board discuss opening up 4½ Street between Hickory Street and Poplar Street. He said that he

felt there was a great deal of traffic on Poplar Street, and another outlet was needed, especially considering the fuel tanks at Wilson Gas Service. It was pointed out that 4½ Street, Poplar Street, and Hickory Street all had 66-foot rights-of-way.

Comm. Calloway said that he had spoken to Lamar Nix about the cost of extending Poplar Street all the way to Fifth Street as an alternative. He was concerned about the potential hazard of bringing traffic to a heavily populated street with children, two inns, and two steep hills; he felt it might create a more dangerous area. Mr. Nix reported that the cost of extending Poplar Street would be a lot more than opening up 4½ Street.

Tom Olson asked if it would be possible to install a traffic light on US-64 at Poplar Street. The Mayor said that, based on past experience, he felt the D. O. T. would be unwilling to place a light at that location. Alan Lewis suggested that a flashing caution light might instead be placed on US-64. The Mayor said that there was a lot more traffic on Poplar Street than there used to be due to, in addition to the Town Warehouse and Wilson Gas, the Conference Center, Highlands Emergency Council, and now the proposed Fibber's building; he felt another outlet was needed from Poplar Street.

Jane Lewis pointed out that Comm. Calloway had been to ball games often and knew that there was already a problem on Hickory Street at the Ball Park; there were speeding cars, and children played in the road, many of them unsupervised. She said she would hate to see more traffic, and felt the Board should think about the children and grandchildren. Beth Ham added that the neighborhood was a popular place for residents to walk, and she would hate to see pedestrians endangered.

The Mayor asked if those opposed to opening up 4½ Street would support extending Poplar Street. Several in the audience spoke against that idea, citing the Kelsey Trail and possible wetlands. There was additional discussion concerning the merits of traffic signals and congestion on Fifth Street.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO REFER THIS MATTER TO THE PLANNING BOARD.

The Board asked Lamar Nix to obtain cost estimates on extending Poplar Street and opening up 4½ Street. The Mayor agreed to contact the D. O. T. to ask about the possibility of signals at US-64 and Poplar Street, as well as at Third and Main Streets.

5. Comm. James said that he was concerned about the Board's approval of site for a building for Fibber Magee's Closet on Poplar Street at the previous meeting. He felt that a 10-foot separation should be maintained between the proposed building and the Highlands Emergency Council building; the Board agreed.

MOVED BY COMM. JAMES, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO REQUIRE A MINIMUM 10-FOOT SEPARATION BETWEEN THE TWO BUILDINGS. The Clerk said that he would forward a proposed site plan and building plans to the Board before the lease was approved.

6. The Mayor reported that Dennis Wilson had attended a meeting of Republicans in Franklin who wanted to push for a County tax decrease, and he wanted to know what the Town's position would be on the matter. The Board agreed not to take a position at this time.

7. The Clerk reported that he had been trying unsuccessfully to contact Custom Communications, a Cable TV consultant who had submitted a proposal earlier for helping to renegotiate the Town's contract with Northland Cable TV, to see if he would consider reviewing the proposal from Highlands Cable Group. The Mayor asked that this matter be placed on the agenda for the May 7 meeting. Nin Bond was present, and he reported on a visit he had made to Morganton to review a new state-of-the-art Cable TV system; he said the system showed what a locally- or municipally-owned service could

do.

8. Comm. Sanders reported that he had received more complaints about noise caused by a chain saw at Munger Creek Arts, as discussed at the August 21, 1996 meeting. The Clerk said that he had recently received a letter from Fred Hovey, President of Shelby Place Association Inc., on the same problem, and had intended to place it on the agenda of the next meeting. He said that he and Shannon Baldwin had drafted a proposed amendment of the Zoning Ordinance last year which would control this activity, but it had not been submitted because an agreement had been reached between the Board and Robert Isham, the chainsaw woodcarver. He felt the Zoning Ordinance would be a more appropriate method of enforcement than the Town's noise ordinance, which did not directly address chainsaws. The Board asked him to provide copies of the proposed amendment at the next meeting, and also to discuss this matter with Mr. Isham.

9. The Finance Committee agreed to meet with the Clerk at 8:30 a.m. on April 30 in his office.

10. Georgia Allen questioned the recent enforcement of a litter problem against a citizen in Town, which she claimed had taken place in an intimidating manner. The Mayor offered to look into the matter.

VI. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADJOURN.

Meeting was adjourned at 8:15 p.m.

Richard Betz, Town Clerk