

REGULAR BOARD MEETING of April 5, 2000, with Mayor Buck Trott and Commissioners Amy Patterson, Zeke Sossomon, H. N. James, and Mike Cavender present. Comm. Sanders was absent due to illness.

Also present were Richard Betz, Bill Coward, Lamar Nix, Maureen Lackey, Selwyn Chalker, Kim Lewicki, Bob Wright, Alan Marsh, James Tate, Ken Locke, John Cleaveland, Bronce Pesterfield, John Dotson, Clem Patton, Jim Graham, Thomas Craig, Moyna Monroe, Kevin Fitzpatrick, Rosemary Fleming, and others.

I. Call to Order.

Mayor Trott called the meeting to order at 7:00 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Clerk asked that the following items be added to the agenda:

- Set dates of Spring Cleanup.
- Resolution proclaiming National Day of Prayer.
- Tax Release
- Re-schedule April 19 meeting to April 12.

He also asked that an item of New Business, discussion of Spring Street plans with Dennis DeWolf, be deferred until the next meeting.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

III. Approval of Minutes.

The minutes of the March 1 Regular Board Meeting had been distributed by mail.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

IV. Reports.

1. The Mayor commended the community for its support of the anti-litter campaign; he also reported that the annual Gorge cleanup would be held on April 15.

He thanked those who had attended the County Commissioner's meeting in Highlands on April 3, and reported that a Macon County Watershed Council would be appointed, consisting of both the Little Tennessee Watershed Association and the Upper Cullasaja Watershed Association.

He reported that the D. O. T. had notified the Town that the new traffic signal poles would not be installed on Main Street until the first part of August.

He also reported that he had written a letter to School Superintendent Lonnie Crawford concerning the condition of the new parking lot for Highlands School on Pierson Drive. He also said that the Zoning Administrator had contacted the State concerning the soil erosion problem on the property.

2. Town Attorney Bill Coward reported that he understood the Attorney General's Office had written a preliminary opinion on the Bowery Road escrow agreement; it would be circulated for review and issued soon.

3. Each Board member had received the Public Services Administrator's written report for the month. Lamar Nix was present and reviewed the report with the Board. He noted particularly that

Ray McCall from the Public Water Supply Section had conducted his annual inspection of the Water Treatment Plant and water distribution system, and was pleased with the plant, the operators, and the entire system. He also noted that Bill Anderson from the Water Quality Division had asked him to accompany him on a compliance inspection of the S. B. Association private sewer collection system; it appeared that there was still some work that remained to be done. Finally, he reported that the contractor was prepared to begin work on the sidewalks on Third Street and Spring Street next week; he understood that two of the three sidewalk easements had been executed.

4. Police Chief Jerry Cook had attended a funeral in his family and was not present, but each Board member had received a copy of his written report for the month.

5. Each Board member had received a copy of the Recreation Director's written report for the month. Selwyn Chalker was present and reported that the softball league was forming, and that he was awaiting completion of the deck for the wading pool. He also submitted a list of summer staff, which had been reviewed by the Recreation Committee.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE THE SUMMER STAFF FOR THE RECREATION DEPARTMENT.

He also reported that he had requested informal bids for painting the gymnasium and other parts of the Civic Center building. Two bids had been received and opened prior to the meeting:

- Jeff James.....\$13,507.50
- R & R Painting.....11,214.00

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ACCEPT THE LOW BID, CONTINGENT ON THE WORK BEING COMPLETED BY MAY 15; IF THE DEADLINE CANNOT BE MET, THEN THE OTHER BID IS TO BE ACCEPTED.

6. Each Board member had received a copy of the Town Planner/ Zoning Administrator's report for the month. Maureen Lackey was present and reviewed the report with the Board. She noted particularly that Jill Montana had been issued ten citations since March 20 for occupying premises without a Certificate of Compliance. Also attached to her report was a letter written to all of the owners of residences served by the S. B. Association sewer collection system, advising them that the Town would not issue Certificates of Compliance until the system was in compliance, nor provide a permanent connection to electrical service if a new residence.

7. Each Board member had received a copy of the Treasurer's Report for the month.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ACCEPT THE TREASURER'S REPORT.

7. The Town Administrator had provided with his written report copies of the budget request letter mailed to the Macon County Board of Commissioners on March 28, pursuant to Board action of March 1; the deadline for submitting the Fire Department budget was April 15.

As requested at the March 1 meeting, a Resolution in Support of Water Supply Studies for the Upper Cullasaja River Watershed was re-drafted to broadly support the efforts of the Upper Cullasaja Watershed Association, as follows:

A RESOLUTION OF THE TOWN OF HIGHLANDS
IN SUPPORT OF WATER SUPPLY STUDIES
FOR THE UPPER CULLASAJA RIVER WATERSHED

WHEREAS, the availability of a water supply in the

upper Cullasaja River Watershed is of vital interest to the Town of Highlands; and

WHEREAS, this Board has been advised that the UPPER CULLASAJA WATERSHED ASSOCIATION INC., a non-profit citizen-based organization headquartered in Highlands, intends to conduct a professional, technical project to inventory both the surface water and subterranean ground water supplies of the upper Cullasaja River, determine whether there is a surplus or deficit of available water supplies, and investigate the historical trends of water usage on the Highlands plateau; and

WHEREAS, this Board has been advised that the UPPER CULLASAJA WATERSHED ASSOCIATION INC. will make the results of this study available to the Town of Highlands and all of the citizens of Macon County.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Town of Highlands, that:

(1) This Board supports and agrees to cooperate with the water supply studies being conducted by the UPPER CULLASAJA WATERSHED ASSOCIATION INC.

(2) The Board believes that the results of the studies will contribute important information to the Town of Highlands in its efforts to provide comprehensive plans for the infrastructure needs of the community.

This resolution is adopted this 1st day of March, 2000.

Allen L. Trott, Mayor
Town of Highlands

MOVED BY COMM CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ADOPT THE FOREGOING RESOLUTION.

Each Board member had received a time-line based preliminary cost estimate for expanding the Wastewater Treatment Plant from W. K. Dickson Company, as requested at the March 1 meeting; the report would be discussed at upcoming FY 00-01 budget sessions.

Each Board member also received with the report a copy of the brief in support of the Episcopal Church.

The Town Administrator reported that the North Carolina Association of County Commissioners had requested that each municipality served by the Institute of Government donate an amount equal to its annual dues toward a \$4,000,000 Local Government Wing being constructed at the Institute; each contributor would be recognized by having its name displayed on the Wall of Honor. He said that the Institute had been an extremely valuable resource for the Town over the years, and he recommended donating \$100 to the campaign.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO DONATE \$100 TO THE CAMPAIGN.

The Town Administrator reminded the Board that the N. C. League of Municipalities would be holding a Regional Meeting in Highlands at the Conference Center on April 11 at 4:00 p.m.

Each Board member received a letter concerning the Natural & Scenic Rivers designation for the Cullasaja River from the Attorney General's office. After consultation with the Town Attorney, the Mayor and Town Administrator had drafted a letter to the Environmental Review Commission expressing concerns over the designation and requesting notification of upcoming meetings; he said he understand there would be a meeting April 6-7 and April 25 this month, and that he and the Mayor would be attending the April 25 meeting if necessary.

He had also asked the Town Attorney to look at the legality of the nomination.

The Town Administrator reported that the Performing Arts Center Inc. had raised the necessary funds and purchased the Community Bible Church building on Chestnut Street and gifted it to the Town; he and the Mayor had signed the lease in a ceremony on April 3. He displayed "Exhibit A," which was referred to in the lease, showing the proposed improvements to the building which the PACI would be constructing.

Finally, he reported that Wayne Munden, head of the Public Water Supply Section, had told him that Lake Sequoyah had officially been re-classified a Class I Reservoir; the classification was the culmination of 8 years of hard work on the part of the Town.

V. Old Business.

1. Each Board member had received a letter from Joel Setzer dated February 29, 2000, replying to a letter of February 24 from the Town requesting the D. O. T. to consider installing drainage culverts in front of Sherry Kremser's shopping center, as discussed at the February 16 meeting. The letter indicated that this was not a service the D. O. T. typically provided, and asked the Town to prioritize the request with other requests for Small Urban Funds currently before the D. O. T.

By consensus, the Board agreed not to pursue the request.

Town Engineer Lamar Nix reported that Ms. Kremser has asked him if the width of her new sidewalk was required to be six feet or four feet. The Board agreed that it should be six feet in width. He also confirmed that the sidewalk was to be constructed as presented on the plan, but that the rear of the sidewalk was to be constructed to her property line rather than out into the Town's right-of-way.

2. John Cleaveland was present to further discuss a cul-de-sac in Bob Morris's Satulah Vista Subdivision, as discussed at the March 1 meeting. He said that the 50' X 60' rectangle proposed at that meeting would be almost impossible to install without extensive blasting; a smaller rectangle approximately 30' X 60' was now proposed, which would be sufficient for fire trucks and garbage trucks, according to the Town Engineer. He also said that Comm. Cavender had asked if a chain could be installed at the end of the road.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO REVISE THE DIMENSIONS OF THE REQUIRED CUL-DE-SAC TO 30' x 60' AS PROPOSED.

Mr. Cleaveland was asked to proceed with preparing a revised subdivision plat accordingly. Funds for the grading had already been expended, and the \$14,400 check for the paving was forwarded to Town Attorney Bill Coward pursuant to the escrow agreement.

Comm. James felt that there should be no chain across the road; Comm. Patterson agreed.

VI. New Business.

1. Ken Locke appeared before the Board with a proposal to operate a paintball arena at Highlands Plaza. The Town Administrator reported that he and the Zoning Administrator had told Mr. Locke that the proposal would be a "place of entertainment" under the Zoning Ordinance, requiring a Special Use Permit; however, Section 8-11 of the Highlands Code prohibited the discharge of "any firearm, pellet gun, or any other mechanism or device designed or used to project a missile by compressed air or mechanical action" within the Town limits.

The Mayor stated that he had discussed this proposal with the Chief of Police, and he had told him that he opposed it.

Ken Locke then submitted a petition containing 400 signatures and outlined his proposal. He said that paintball was safer than bowling or golf if played by rules established by the industry. The operation would be refereed and liability insurance would be available through the Paintball Association. Netting would encompass the perimeter of the area, and it would be operated pursuant to strict rules. He also said that he was a member of the Chamber of Commerce. He then demonstrated the sound level of one of the paint guns, and displayed a face guard.

Rebecca Krida was present and said that she had played paintball in New Orleans in a much more protected environment, and she claimed that it created large bruises on the body. She also felt the operation would be unattractive, with paint sprayed all over, netting, and tires; she characterized the proposal as vile, ugly, and hideous, and could not imagine the Town would even consider permitting it.

Bob Wright asked about possible pollution to the stream running through the property. Mr. Locke said that the paintballs were composed of harmless substances such as water, food color, and gelatin, which washed off with the rain.

Kevin Fitzpatrick asked if the Ordinance prohibited the popping of corks on champagne bottles.

Comm. James felt that Margaret O'Donnell, owner of the property, should be advised that she would be required to construct a sidewalk along Third Street if the property was developed.

After additional discussion, the Mayor called for the question. There was no motion to amend the Code, and the Mayor therefore declared the request denied.

2. Rebecca Krida was present with a request for a variance from the Subdivision Ordinance for her 3.15-acre property on Lake Sequoyah, which had been re-zoned from R-1 to R-2 some time ago in order to permit a Tourist Home. She said that her husband had accepted a position in Seattle, and that she wanted to divide the property into 1.94-acre and 1.21-acre lots along an existing stone wall, each containing an existing building; the cover connecting the buildings would be removed. Such a subdivision would create a 10-foot setback from the line for one building, but only 8 feet for the other, which would be non-conforming. She said that she had enough property for three lots, but had deliberately planned that the two lots would not be large enough under the one-acre minimum lot size in the Watershed Overlay District to be re-subdivided.

Comm. Sossomon pointed out that a buyer could purchase both lots and re-subdivide them again. Comm. James asked if a Tourist Home would be permitted on each of the lots; it was reported that they would be in the R-2 district. Ms. Krida said that she would be willing to request R-1 zoning again if necessary.

John Dotson was present, and stated that in his opinion it would not be financially feasible to use either of the parcels as a Tourist Home.

Comm. James said he had no problem with a variance of two feet, but he felt that the only condition met in Section 206 of the Subdivision Ordinance was paragraph (d). He said, however, that he was not sure he agreed with those guidelines, as the Board had granted variances from the Ordinance recently.

Comm. Sossomon also agreed that the guidelines of Section 206 could not be met; he asked, for example, what the "substantial property right" being preserved and enjoyed in paragraph (b) might be. After

some additional discussion, Ms. Krida offered to remove the screened porch, thereby making a variance unnecessary. Mr. Dotson argued that the porch was a very substantial structure and in his opinion removing it would be a hardship against the property owner.

MOVED BY COMM. JAMES TO GRANT THE VARIANCE. There was no second to the motion, and the Mayor declared the request denied.

3. The Board discussed at some length a Parking Ordinance and a proposal for two-hour parking on Main Street, pursuant to the recommendations of a Parking Committee appointed by the Board on December 15 and as discussed at the March 1 meeting.

The Town Administrator noted that the Board had not acted on the recommendation of the Committee to identify several additional 15-minute parking spaces on Main Street. Comm. Cavender, who had chaired the Committee, said that the Committee intended for the spaces to be identified at a later date. Some corrections were also noted to the draft of the Ordinance which had been prepared, including a typographical error and the inclusion of the B-1 portion of Church Street in paragraph (a) of Section 7-117.

Mayor Trott said that he had a hard time including Fourth Street among the areas in which employees could not park. He pointed out that Schmitt Building Contractors employed 170 people, many of whom were in and out all day. Comm. Cavender felt that the Board could not make exceptions; he felt the inns could make the same argument. Comm. Patterson pointed out that many of those employees would be leaving before 10:00 a.m. and returning after 4:00 p.m. Thomas Craig asked if he could get an exemption if he employed 150 people.

Town Attorney Bill Coward asked about the phrase, "while performing his or her duties at his or her regular place of employment;" he asked how this would be enforced. The Town Administrator said that it would be difficult to enforce the ordinance; Comm. Cavender said that enforcement would rely on the cooperation of the merchants in Town.

Comm. Patterson asked if a public hearing was required, and was told that it was not.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO ADOPT THE PARKING ORDINANCE AND RELATED PROVISIONS IN THE FEE SCHEDULE AND TRAFFIC SCHEDULE, AS FOLLOWS:

* * *

1. Parking Ordinance

- Add the following Section to the Highlands Code of Ordinances:

Section 7-117. Downtown Business District parking ordinance.

(a) No person employed by or operating any business, profession, or organization within the Downtown Business District, as defined in paragraph (b) of this Section, and while performing his or her duties at his or her regular place of employment within such District, shall park any vehicle--whether privately-owned or owned by said business, profession, or organization--within the public right-of-way of the following streets: Main Street between Second Street and Fifth Street, Fourth Street between Pine Street and Spring Street, and that portion of Church Street located in the B-1 Zoning District.

(b) For the purposes of this Section, the Downtown Business District shall consist of the entire B-1 Business District, as designated on the Zoning Map of the Town of Highlands, as well as that portion of the B-2 Business

District lying within an area between Oak Street on the North, Second Street on the West, Spring Street on the South, and Fifth Street on the East.

(c) The provisions of this Section shall be effective between the hours of 10:00 a.m. and 4:00 p.m., Monday through Saturday, between May 1 and October 31 of each calendar year.

(d) The provisions of this Section shall not apply to operators of motor vehicles displaying valid handicapped license plates or dashboard placards and parked in spaces reserved for the handicapped.

(e) The penalty for violating this Section shall be set forth in the Fee Schedule maintained in the office of the Clerk.

- Add the following to the Fee Schedule:

"Violation of Downtown Business District parking ordinance: \$50.00"

2. Two Hour Parking on Main Street

Add to Traffic Schedule under "Parking Time Limited" the following:

"Center parking spaces on Main Street between Third Street and Fifth Street - 2 hour limit.

* * *

The Town Administrator reported that the Police Chief had told him that one full-time employee and one part-time employee would be required for optimum enforcement the Ordinance, although one full-time employee might suffice. The Board agreed to discuss this with the Police Chief at the next meeting.

4. Hospital Administrator Jim Graham presented a written report to the Board on the Highlands-Cashiers Hospital dated April 5, 2000. He reviewed the report in some detail, outlining comparative statistics on growth and positive cash flows, as well as a new proposed \$4.5 million expansion of the Emergency Room. At the conclusion of the presentation, he recommended that the Town and the Hospital establish a Joint Planning Committee to further discuss the Hospital's expansion plans and the needs those plans created for utilities and emergency services.

Clem Patton, Chairman of the Board of Trustees, was present, and reiterated the need to discuss water and wastewater issues.

After some discussion, the Mayor thanked Mr. Graham and Mr. Patton; he said the Board would take the report under advisement and discuss the recommendation at a later date.

5. Each Board member had received copies of three proposed budgets submitted by the Fire Department for the coming fiscal year. The budgets all included \$375,000 in Capital Outlay for the addition to the building, which included \$274,000 in the building fund which was not used last year. In addition, the proposals included a similar budget to last year, a budget proposing an additional \$60,000 for reimbursement for the purchase of health insurance, or a budget proposing an additional \$60,000 as compensation for fire calls.

The Board agreed to review the budgets submitted and discuss them at the next meeting.

6. Bronce Pesterfield, P. E., was present with a proposal for a

sewer line serving Larry Guido's shopping center on NC-106. The original permission granted Mr. Guido on July 21, 1999, was for a 2" pressure line crossing Shelby Place property. Mr. Pesterfield said that that proposal had been complicated by a need for an easement and a small tributary to Munger Creek. He proposed instead constructing an 8" gravity sewer line within the right-of-way of NC-106 to Town and State standards; a D. O. T. encroachment permit would be required. The 2" pressure line would be inserted within the gravity line, which he pointed out was part of the Town's Capital Improvement Program for FY 01-02; and Mr. Guido proposed constructing 800 to 900 feet of this line at his own expense at a cost of between \$50,000 and \$60,000. He also asked the Town to consider taking over ownership of the pressure portion of the sewer force main that was inside the gravity line if required by the D. O. T., which generally had a policy of only permitting perpendicular crossings.

Town Engineer Lamar Nix said that he felt the proposal was a good one in that a portion of the line would be constructed at no cost to the Town; however, he recommended not accepting ownership of any portion of the pressure line.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO PERMIT CONSTRUCTION OF THE 8" SEWER MAIN AS OUTLINED, CONTINGENT ON REVIEW AND APPROVAL BY THE TOWN ENGINEER, AND PROVIDED THE TOWN NOT ACCEPT OWNERSHIP OF THE PRESSURE LINE.

7. MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO DESIGNATE THE WEEKS OF APRIL 24 AND MAY 22 AS SPRING CLEANUP WEEKS.

8. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING RESOLUTION:

**RESOLUTION PROCLAIMING
NATIONAL DAY OF PRAYER IN HIGHLANDS**

WHEREAS, the history of our Nation is indelibly marked with the role that prayer has played in the lives of individual Americans, and indeed the United States as a whole; and

WHEREAS, our greatest leaders have always turned to prayer in times of crisis; and

WHEREAS, we acknowledge that prayer is a deeply personal experience—the way in which it finds expression depends on our individual dispositions as well as on our religious convictions; and

WHEREAS, the virtues of prayer have a common bond—our hope and aspirations, our sorrows and fears, our deepest remorse and renewed resolve, our thanks and joyful praise, and most importantly our love—all turned toward God; and

WHEREAS, I join with our President and the Governors of our United States and invite all citizens of the Town of Highlands to join me in earnest prayer for our Nation, our State, and our Town.

NOW, THEREFORE, I, Allen L. Trott, Mayor of the Town of Highlands, do hereby declare **Thursday, May 4, 2000**, as **NATIONAL DAY OF PRAYER** in the Town of Highlands, North Carolina, and encourage my fellow citizens to join in prayer, asking that God's light may illuminate the minds and hearts of our people and our leaders, so that we may meet the challenges that lie before us with courage and wisdom and justice.

Allen L. Trott, Mayor
Town of Highlands

9. MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE AN AD VALOREM TAX RELEASE OF \$1457.49 FOR PROPERTY OWNED BY THE HIGHLANDS LAND TRUST.

10. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO REVIEW APPLICATIONS FOR EMPLOYMENT IN THE SANITATION DEPARTMENT AND THE TRIMMING DEPARTMENT, PURSUANT TO G.S. §143-318.11(A)(6), AND TO DISCUSS PROPERTY ACQUISITION PURSUANT TO G.S. §143-318.11(A)(5). All present left the room except the Clerk, the Public Services Administrator, and the Zoning Administrator.

A. The Board reviewed applications for employment in the Sanitation Department. The Public Services Administrator recommended promoting Larry Holt to the position of Sanitation Superintendent at a salary of 14-1, promoting J. R. Coffee to the position of Assistant Sanitation Superintendent at a salary of 10-1, and moving Petey Bryson from the Street to the Sanitation Department at the same salary, 9-2.

B. The Board discussed the proposed acquisition of real property.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION.

12. MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO EMPLOY LARRY HOLT AS SANITATION SUPERINTENDENT AT A SALARY OF 14-1 (\$22,510), TO EMPLOY J. R. COFFEE AS ASSISTANT SANITATION SUPERINTENDENT AT A SALARY OF 10-1 (\$18,475), AND TO EMPLOY PETEY BRYSON IN THE SANITATION DEPARTMENT AT THE SAME SALARY OF 9-2 (\$18,024).

13. The Clerk reported that Lisa Wilson had submitted her resignation as Billing Clerk. He had advertized for the position and hoped to be able to review applications at the next meeting.

14. By consensus, the Board agreed to re-schedule the April 19 Board meeting to April 12.

VII. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 10:00 p.m.

Richard Betz, Town Clerk