

REGULAR BOARD MEETING of April 12, 2000, with Mayor Buck Trott and Commissioners Amy Patterson, Zeke Sossomon, H. N. James, Ron Sanders, and Mike Cavender present.

Also present were Richard Betz, Bill Coward, Jerry Cook, Lamar Nix, Maureen Lackey, Kim Lewicki, Dennis DeWolf, Alan Marsh, James Tate, Jim Mullen, Jim Ramsdell, Dean Cosper, Kevin Fitzpatrick, Charles Dubs, Rosemary Fleming, and others.

I. Call to Order.

Mayor Trott called the meeting to order at 7:00 p.m. The meeting had been rescheduled from April 19 at the previous meeting.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Clerk asked that one item of Old Business be added to the agenda: the Town Attorney would be arriving later in the meeting to brief the Board on the Natural and Scenic Rivers designation.

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

III. Approval of Minutes.

The minutes of the April 5 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that the N. C. League of Municipalities had held a Regional Meeting in Highlands at the Conference Center on April 11 at 4:00 p.m.; he thanked those who had attended.

The Mayor also said that he, the Town Administrator, the Town Planner, and representatives of the Upper Cullasaja Watershed Association had met with two people from the Division of Water Quality who would be conducting water monitoring in the Upper Cullasaja and other impaired waters over the next two years.

The Mayor reminded those present of the Cullasaja Gorge cleanup scheduled for April 15.

2. The Town Administrator reported that a letter had been received from John Schiffli addressed to the Mayor and the Board in opposition to the Parking Ordinance adopted at the previous meeting.

V. Old Business.

1. The Board again reviewed the proposed Fire Department Budget. The Town Administrator reported that Fire Chief Mike McCall had talked to the firemen at their meeting the previous night, and he felt the Town should pay the cost of providing insurance to individual firemen who wanted it through the Town's health insurance program with the Municipal Insurance Trust. He estimated that the maximum amount of providing such coverage, excluding firemen who were known to be covered under Town or County insurance, would be \$66,000. According to Fire Department calculations, this would require revenues of \$279,432, and an increase in the fire district tax from .0196 to .0233; on an ad valorem valuation of \$200,000, the annual amount would increase annual tax bills from \$39.20 to \$46.60.

The Board discussed the proposal at some length. Comm. James questioned whether providing insurance would be fair to those who already had insurance coverage; he thought that compensation for fire calls might be more of an incentive, and he suggested that the Board approve the \$60,000 in additional revenues now, but work out later whether it should be used for insurance or for compensation for fire calls.

Comm. Sanders felt that insurance would be more valuable to the firemen, and said he would like to see the Town provide it. Comm. Cavender agreed; he felt the increase in tax bills would be relatively modest for the benefit that would be provided.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE FIRE DEPARTMENT BUDGET, INCLUDING \$60,000 FOR THE COST OF PROVIDING INSURANCE TO INDIVIDUAL FIREMEN WHO WANTED IT THROUGH THE TOWN'S HEALTH INSURANCE PROGRAM WITH THE MUNICIPAL INSURANCE TRUST.

2. The Fire Department had also requested authorization to advertize for bids for the addition to the building. The Board agreed that it could not advertize for bids until the Fire Department budget had been approved and the fire district tax set by the County.

3. Police Chief Jerry Cook was present to discuss enforcement of the Downtown Business District Parking Ordinance adopted at the previous meeting. Each Board member had received a proposed job description for a Police Parking Enforcement Officer; such an officer would not be law enforcement certified and would not carry a weapon. Chief Cook said that he could provide optimum enforcement of the Ordinance with one full-time and one part-time employee, and he requested permission to advertize for the positions. The full-time employee could perform office duties during the months from October 31 until May 1 when the Ordinance was not in effect.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO ADVERTIZE FOR THE POSITIONS REQUESTED.

VI. New Business.

1. Dennis DeWolf had requested permission to present a plan for Spring Street. The Mayor pointed out that this matter had been tabled last March, but he remembered that the Board had also indicated to Mr. DeWolf that the subject was still open to discussion.

Dennis DeWolf then displayed a plan of development for the Spring Street area which he said he, Alan Marsh, and James Tate had worked on. He said that the primary consideration in developing the plan was that Spring Street property was so potentially valuable; the Land Use Planning Committee had also expressed a concern over sidewalks and safety to pedestrians due to curb cuts. The plan showed only the portion of the area between Third and Fourth Streets, but would be expanded to First Street; it showed buildings along Third and Spring Street and parking off Church Street Alley. The plan also proposed closing the entrance to Church Street Alley at Fourth Street and exchanging it for a new street to be constructed on land owned by the Jellen family; a small portion of the Methodist Church property would also be required in order to provide adequate turning radius for trucks turning into the Alley off Spring Street. He felt that if the dumpsters and other obstructions could be eliminated, the 20-foot right-of-way would be wide enough for both delivery trucks and other traffic. He then explained how the plan would affect the three properties owned by John Lupoli, the Methodist Church, and the Jellen family. He also said that if the Methodist Church property did not develop buildings along Spring Street as shown on the plan, he would propose that any parking lot on that property be set back 30 feet from Spring Street. He also recommended installing street trees along Spring Street and increasing the angle of the parking, which he showed on both sides of the street, in order to create a wider street.

James Tate reiterated that the plan was just an idea. He said that he was worried about growth in the Town, and he felt this would be a great jump-start on what could take place instead of what could not. He hated to see the idea dead-ended due to procrastination and laziness.

Mayor Trott asked about the grade on the new street. Mr. DeWolf said that it would require a fairly good-sized cut. He also asked where the dumpsters would be located. Mr. DeWolf suggested that perhaps private owners might permit them to be located on their property. Mayor Trott also said he was worried that some court might consider it "spot zoning," in that the plan picked out a small area having special requirements.

Comm. Cavender said he liked the concept; he felt it was very forward-thinking and he would like to see the planning continue.

Comm. James said that he didn't see anything new; it was the same plan that had been presented and tabled before, trying to tell people how to develop their property. He also said that he felt Mr. DeWolf should be working with the Planning Board, instead of going around talking to private property owners on behalf of the Town. He also said that he would not favor closing Church Street Alley; he felt it would be short-sighted to do so, and pointed out that you could not make a highway out of a service alley.

Mayor Trott said he thought Kelsey and Hutchinson, founders of the Town, had done a good job in laying out the Town and creating service alleys.

Kevin Fitzpatrick pointed out that Kelsey & Hutchinson had laid the Town out well, but cars hadn't been developed yet.

Comm. Sossomon said that the plan looked like a conceptualization of the B-2A zoning district, and he had sort of liked some of those ideas, such as parking lots in the rear of buildings.

Comm. Patterson said that she felt the community had rights as well as property owners.

Town Administrator Richard Betz reported that he, the Mayor, and the Town Planner had discussed the plan earlier in the day with Geoffrey Willett, Community Development Planner with the Division of Community Assistance. Mr. Willett had said that in his opinion the plan had the appearance of spot zoning. He also wanted to state for the record, as Town Planner and Zoning Administrator for 12 years, that he felt the concept was spot zoning, in that far more restrictive regulations were being proposed for a relatively small area of development.

Zoning Administrator Maureen Lackey said that she had asked Geoffrey Willett to review the plan, and she explained why he had felt the idea was spot zoning. She also distributed copies of a portion of David Owens's book, Legislative Zoning Decisions, which addressed the concept of spot zoning.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO TAKE THE MATTER FROM THE TABLE, AND TO REFER THE MATTER OF IMPLEMENTING THE PROPOSED B-2A DISTRICT TO THE PLANNING BOARD.

2. Bill Coward had arrived during the previous discussion, and the Board heard a report from him on his review of the proposed designation of the Cullasaja River as a Natural and Scenic River. He said that he had been discussing the matter with the Mayor, the Town Administrator, and officials from DENR and the League of Municipalities, and it appeared that the designation was on a fast-track. No public hearing had been deemed necessary because the portion of the river identified was bordered only by U. S. Forest Service land, and also because it had been added to the system through amendment of the statute rather than through the process identified

in Article 3 of Chapter 113A. It also appeared that the Town might not have an opportunity to speak at the Environmental Review Commission meeting scheduled for April 25 in Raleigh. He understood that only "non-controversial local bills" would be considered in the short session of the Legislature beginning May 8, however, and he felt that it was important to have direct personal contact with the Senators and Representatives on the ERC. He also thought that a lawsuit might be a possibility, although it appeared premature since the designation had not yet been enacted and there were no damages yet. Comm. James suggested that he discuss the case with John Hunter, a Raleigh attorney who had assisted the Town on behalf of DENR in its litigation over the Wastewater Treatment Plant.

Mayor Trott said that the Town knew the river was already scenic. What the designation would do would be make it more difficult for the Town to expand its Wastewater Treatment Plant. Mr. Coward said that that appeared to be the whole focus of the designation, and it appeared that the outcome was pre-determined. Comm. Sossomon felt that someone needed to tell the ERC that what it essentially was doing was leaving the Town in a position where it could not clean up its water supply, eliminate leaking septic tanks, accept hospital sewer, etc. Comm. Cavender asked if legislation could include an exception for Highlands, since we were the only Town discharging into the river.

After additional discussion, the Board agreed by consensus for the Mayor, the Town Administrator, and the Town Attorney to pursue opposing the designation.

The Board then excused the Town Attorney from the meeting.

3. Town Engineer Lamar Nix reported that the Macon County Fire Marshall had recently inspected the Presbyterian Day Care Center, and had noted a problem with the egress onto Fifth Street; he had requested that the Town mark out one parking space in that location. Other alternatives could consist of painting a sidewalk on the pavement from the steps to Main Street, or constructing a concrete sidewalk.

MOVED BY COMM. SANDERS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO MARK OUT THE PARKING SPACE.

4. Town Administrator Richard Betz requested permission to employ a young person in a part-time position in the Town Office during the summer while school was out to help cover the counter, answer the phone, and perform other office duties; the hourly pay would be the same as that paid Recreation Park summer employees.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE EMPLOYING A PART-TIME EMPLOYEE IN THE TOWN OFFICE.

5. The Town Administrator reported that Nantahala/Duke had met several times with Town officials to discuss their plans for a new substation on a portion of their 10-acre tract on US-64 opposite Mirror Lake Road. He understood that Nantahala would be selling the remainder of the property, and Town officials had approached the County to see if it would be interested in acquiring it in order to construct a convenience center in Town. Comm. Cavender asked about the visual impact of a convenience center on the area. Mayor Trott said that he hoped it would be similar to the pilot project in South Macon County or Rabun County. He offered to have photographs taken of those centers and to arrange to visit them with interested Board members.

MOVED BY COMM. JAMES, TO RECOMMENDED THAT THE COUNTY EXPLORE THE POSSIBILITY OF ACQUIRING THE SITE IN ORDER TO CONSTRUCT A CONVENIENCE CENTER. There was no second to the motion.

The consensus of the Board was that area property owners should be notified and polled about the proposal before proceeding. Comm. Sossomon pointed out that if the County purchased the property, the

Town would have no control over it.

6. The Mayor said that he had asked Richard Betz, Lamar Nix, Comm. James, and Comm. Cavender to serve on a Joint Planning Committee with Jack Calloway, Jim Graham, Clem Patton, and James Neal from the Highlands-Cashiers Hospital, as proposed by the Hospital at the previous meeting.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE TOWN REPRESENTATIVES TO THE JOINT PLANNING COMMITTEE.

7. Charles Dub, owner of the Main Street Inn, was present with a petition to re-zoning his property from B-2 to B-1. He said that the property, formerly the Phelps House, had always been a part of the Central Business District, and had operated for 65 years as both an inn and an 80-seat restaurant serving the general public as the Highlands Inn did. He said that he had renovated the Inn, and the kitchen and dining room had now been approved by the Macon County Health Department as a food-handling establishment which could serve the general public with 40 seats, in addition to the 20 rooms in the inn. He had discovered, however, that although the inn rooms had been "grandfathered" due to continual use, the restaurant serving the general public had apparently not been, and there was not enough off-street parking for both uses. The property was listed for sale, and the lack of ability to operate as a restaurant was a hindrance to the sale.

Comm. Cavender asked if he had known there was an operating restaurant when he purchased the property. Mr. Dubs said that he had believed he could serve meals to the public.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO SEND THE PETITION TO THE PLANNING BOARD FOR A RECOMMENDATION.

The Board also asked the Zoning Administrator to review the matter and determine if in fact the restaurant had discontinued use for 12 months and become non-conforming.

8. MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO REVIEW APPLICATIONS FOR EMPLOYMENT FOR BILLING CLERK, PURSUANT TO G.S. §143-318.11(A)(6). All present left the room except the Clerk.

The Board reviewed applications for Billing Clerk. The Town Administrator recommended employing Mary Jane Wood in this position.

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

9. MOVED BY COMM. CAVENDER, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO EMPLOY MARY JANE WOOD AS BILLING CLERK AT THE BEGINNING SALARY OF 9-1 (\$17,585).

VII. MOVED BY SEVERAL COMMISSIONERS SIMULTANEOUSLY AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:45 p.m.

Richard Betz, Town Clerk