

REGULAR BOARD MEETING of July 5, 2006, with Mayor Don Mullen and Commissioners Dennis DeWolf, Alan Marsh, Amy Patterson, H. N. James, and Hank Ross present.

Also present were Richard Betz, Lamar Nix, Selwyn Chalker, Bill Harrell, Ronnie Castle, Larry Gantenbein, Kim Lewicki, Jim Lewicki, Mozelle Edwards, Monica Calloway, Bill Nellis, Mike and Beth Crisp, Bill Basham, Victor Lofquist, John and Joanna Baumrucker, and others.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 7:00 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. Alan Marsh had requested that the agenda be amended to include a discussion of noise regulations under new business. Comm. Patterson requested that the agenda be amended to include a closed session to discuss a personnel matter.

MOVED BY COMM. MARSH, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

III. Approval of Minutes.

Copies of the minutes of the June 21 Regular Board Meeting had been distributed by mail.

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

Copies of the minutes of the June 28 Budget Hearing and Special Board Meeting had been distributed by mail.

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

IV. Public Comment Period.

The Mayor stated that this was the time for public comments as required by law.

Bill Basham thanked the Recreation Director for handling the fireworks display so well the previous night.

V. Reports.

1. The Mayor reported that several complaints had been received about noise in Riverwalk Subdivision over the holiday; the matter had been placed on the agenda for discussion under new business. He also reported that newly-elected Planning Board Chairman Griffin Bell would be out of Town on July 19, the proposed date of the joint Town Board/Planning Board meeting. The Board agreed by consensus to re-schedule the regular July 19 meeting to July 26; the meeting will be held at the Highlands Civic Center.

2. The Town Administrator reported that the Town Attorney had been unable to attend tonight but would be present at the next meeting in order to discuss the lawsuit with Macon County.

3. Each Board member had received a copy of the Town Engineer/ Public Service Administrator's report for the month; Lamar Nix was present to review the report. He added that the new Wastewater Treatment Plant would have its final inspection on July 17 and an open house would be scheduled soon.

4. Each Board member had received a copy of the Police Chief's written report for the month; Bill Harrell was present to review the report. School Resource Officer Ronnie Castle also made a report to the Board on his activities over the past school year. Comm. Ross said that his wife, a teacher at the school, appreciated Officer Castle personally and also the police presence at the school.

5. Each Board member had received a copy of the Recreation Director's written report for the month; Selwyn Chalker was present to review the report. He also distributed copies of a proposed increase in the pay scale for part-time employees in his Department.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO APPROVE THE PAY SCALE.

He also said that he had received a request from Kathy Finley to hold a crafts fair at the Civic Center, and from Highlands Playhouse to hold the antique show previously held at Highlands School September 29 through October 1. Joanna Baumrucker was present to speak in favor of the latter request, said that the event would be a fund-raiser for the Playhouse and the Historical Society, and said a donation would be made to the Town. Comm. Patterson said she felt there was a distinction between the two requests; one was a for-profit event and the other benefitted a non-profit Highlands organization.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE THE REQUEST FROM HIGHLANDS PLAYHOUSE FOR THE ANTIQUE SHOW.

6. Each Board member had received a copy of the Town Planner/ Zoning Administrator's report for the month; Larry Gantenbein was present to review the report. He reported that the Planning Board would be meeting on July 10 to finalize work on the proposed ETJ districts.

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

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

8. The Town Administrator distributed copies of the proposed Scope of Services for the Stormwater Master Plan. Comm. Patterson asked about mapping of the perennial streams, and the Town Planner said that he planned to coordinate with the Upper Cullasaja Watershed Association this summer and start work on that project using summer interns.

VI. Old Business.

1. The Board discussed permits issued at previous meetings for use of Town right-of-way for construction activities by Old Edwards Inn on Church Street, which had expired on this date. Comm. Ross asked the Town Administrator to request that forklifts not be used to transport stone or other materials to the jobsite on Church Street.

MOVED BY COMM. JAMES, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO EXTEND THE PERMIT UNTIL AUGUST 2.

2. Bill Basham presented a report on use of the parking passes waiving two-hour parking, approved on a temporary basis at the first meeting of June.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO

EXTEND PERMISSION TO USE THE PASSES THROUGH THE END OF OCTOBER.

3. The Board agreed by consensus to discuss appointing a member to the Appearance Commission to fill John Cleaveland's unexpired term at the next meeting.

VII. New Business.

1. Bill Nellis was present with a request for R-3 Conditional Use Zoning for a 4.423-acre parcel, the Crisp property or old Edwards property, on Harris Lake; Victor Lofquist, engineer for the project, was also present, as were the owners, Beth and Mike Crisp and Mozelle Edwards. Mr. Nellis said he felt his project complied with the 2005 Land Use Plan objective of permitting "limited multi-family opportunities on a site-specific basis consistent with the village character of Highlands," and he felt that character included being within walking distance of downtown. The property adjoined 16% water, 30% residential, and 54% commercial property, and he felt it was a "step-down" from high-density to residential properties in the area. He displayed a map and site plans showing four four-unit multi-family homes and one single-family building, as well as a park adjoining the lake which he intended to deed to the Town. The appearance would be similar to Village Walk, which he had recently developed, but the buildings would be more compacted and spaced farther apart, leaving several trees and much of the vegetation undisturbed. The Town Engineer had reviewed the plans, and the only change he had noted was the 75-foot radius of the private road entering the property on Fifth Street opposite Spring Street; Mr. Nellis said it would be changed to 90 feet. Town water and sewer were available, and all stormwater would be piped to the lake using Best Management Practices. The plan included several carports which were out of the right-of-way but not the setback, and there were also setback exceptions for the multi-family buildings and an 18% grade at the road entrance rather than 14%. The total of 17 units would meet the density for multi-family, and the total built-upon, including the park property, was 12.6%.

Comm. Ross said that he would prefer to see stormwater retention on the property, and Mr. Nellis agreed to address that concern. Victor Lofquist said he thought adequate detention could be provided below-ground. Comm. DeWolf said he appreciated Mr. Nellis listening to the Planning Board and making design decisions accordingly; he also appreciated the undisturbed areas and the fact that it adjoined high-density areas, and he thought it was a good, positive approach. Comm. Patterson said that she had a problem with density, and felt the Board should have a full and frank discussion about density in Highlands; how much multi-family did the Board want to see? Mozelle Edwards said she appreciated the saving of the trees on the property, and she also asked how many other large pieces of property were left in Town for multi-family development. Mr. Nellis asked the Board to let him know now if the Board did not like his project so he would not incur further expenses on plans; he was willing to withdraw the project rather than have the application denied.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO SEND THE REQUEST TO THE PLANNING BOARD FOR PRELIMINARY REVIEW.

2. Each Board member had received a proposed amendment of the Zoning Ordinance, drafted by the Town Attorney, addressing recent problems that had been discussed in closed session concerning use of residential property for commercial weddings.

MOVED BY COMM. ROSS, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO SEND THE AMENDMENT TO THE PLANNING BOARD FOR COMMENT AND SCHEDULE A PUBLIC HEARING FOR 7:00 P.M. AUGUST 2 TO RECEIVE COMMENTS FROM THE PUBLIC.

3. The Board discussed complaints received over the Fourth of July holiday about construction noise at Riverwalk Subdivision, which was apparently not addressed in Section 8-9(9) of the Code, regulating noises. The Board agreed by consensus to ask the Town Attorney to draft an amendment to include holidays and noise associated with utility construction in the paragraph.

4. **MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(6) TO DISCUSS A PERSONNEL**

MATTER. All present left the room except the Clerk.

The Board discussed a personnel matter.

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

VIII. MOVED BY COMM. ROSS, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:30 p.m.

Richard Betz, Town Clerk