

## **REGULAR MEETING OF THE TOWN BOARD OF COMMISSIONERS OF OCTOBER 4, 2011**

Town Board Present: Mayor David Wilkes, Vice Mayor John Dotson, Commissioner Larry Rogers, Commissioner Gary Drake, Commissioner Amy Patterson. Commissioner Dennis DeWolf was not present.

Also Present: Interim Town Manager Robert Zoellner, Planning Director David Clabo, Police Chief Bill Harrell, Recreation Director Selwyn Chalker, Town Engineer Lamar Nix, Town Clerk Rebecca Shuler, MIS/GIS Director Matt Shuler, Code Enforcement Officer Josh Ward, Town Attorney William Coward, and Recording Secretary Jane Capman.

### **1. Public Hearing Called to Order**

Mayor David Wilkes opened the public hearing at 7:00 p.m.

### **2. Public Hearing: Methodist Church proposed rerouting portion of Church St. Alley**

David Young advised that he met with Jeff Weller of Summit Architecture, PA. Mr. Young stated that he wants to be supportive of the church but is concerned about the closing of the alley and his building due to deliveries that take place in the back. Mr. Young also discussed the turning radius of trucks as the alley is tight. Mr. Young also stated that he was concerned that a non-profit organization was infringing upon the public. Jeff Weller advised that originally the alley was going to be completely closed but now it is being rerouted and being made into a 2 way to eliminate safety issues.

Commissioner Gary Drake inquired if any consideration was given to a walk-over and he was advised by Mr. Weller that it was discussed but there were esthetic and height concerns.

Elaine Dunn advised that the public does use the alley and Alice Nelson stated that it was a poor idea for the rest of the public to have the alley closed.

### **3. Adjourn Public Hearing**

As there was no further comments, Commissioner Amy Patterson moved to close the public hearing, which was seconded by Vice Mayor John Dotson, the vote being unanimous, the public hearing was closed at 7:10 p.m.

### **4. Meeting Called to Order**

Mayor David Wilkes called the meeting to order at 7:10 p.m.

### **5. Public Comment Period**

Virginia Parrot requested that the Town Board consider the renovation of the Community Building in its 2013 budget.

Robert Smith of Jackson- Macon Conservation Alliance advised that on October 18, 2011 will be a forum regarding sustainability and economic development and invited all to attend.

### **6. Adjust and Approve agenda**

Commissioner Gary Drake moved to approve the agenda, which was seconded by Vice Mayor John Dotson and the vote was unanimous.

### **7. Approve Minutes of September 20th regular meeting**

The Minutes of September 20, 2011 is amended as follows:

Item 9, Lake Sequoyah Sewer Project, next to last paragraph is amended to read as follows:

Interim Town Manager Robert Zoellner advised the Town Board that the State had funds for grants and if the Town applied for it, there was a good chance of receiving it. The Board

discussed that since it had already spent \$170,000.00 in design work for the Lake Sequoyah sewer project, the board agreed to put in an additional \$30,000.00 more into the project to be eligible for a \$600,000.00 grant. Also discussed was the length of the project and Town Engineer Lamar Nix advised that the project would take approximately 8 months and that the passing of this Resolution is merely the first step.

As there were no further corrections, Vice Mayor John Dotson moved to approve the September 20, 2011 minutes, as amended, which was seconded by Commissioner Gary Drake and the vote was unanimous.

## **8. Reports**

### **A. Mayor**

There was no Mayoral report.

### **B. Commissioners & Committee Reports**

There was no Commissioner or Committee Reports.

### **C. Interim Town Manager**

There was no Town Manager report however, Mr. Zoellner advised that the RBC paperwork for financing of the radio read meters was almost complete. Town Engineer Lamar Nix advised that he and staff would be meeting with the contractor for timing of installation.

## **9. Extra-territorial Jurisdiction**

Mayor Wilkes explained to the public present that during the August 2, 2011 Town of Highlands Board of Commissioners meeting, Commissioner Larry Rogers made the motion to abolish the Town of Highlands Extra-territorial Jurisdiction. The motion passed 3 to 2 to have the Planning Board review and make a recommendation on abolishing the ETJ. On August 22, 2011 the Planning Board listened to public comments and discussed the issue of abolishing of the ETJ. The Planning Board recommends the approval of the abolishment of the Town of Highlands Extra-territorial Jurisdiction with a vote of 5 to 2.

Commissioner Gary Drake (on behalf of Commissioner Larry Rogers) moved to abolish the ETJ, which vote was seconded by Commissioner Gary Drake.

Prior to the vote, Commissioner Amy Patterson stated that the public hearing held in this matter the previous week, that she did hear everyone. Although she may not have agreed, Ms. Patterson stated that she did listen. Ms. Patterson further stated that the ordinances that are put in place are not written by the Town Board but by the citizens of the Town of Highlands and Ms. Patterson wants to make sure that we are not living in a "hell hole" in 20 years. Ms. Patterson also stated that zoning protects us even though it restricts us and that she is not voting for what is best for her but what is best for the Town of Highlands.

Vice Mayor John Dotson stated that the ETJ did benefit the Town of Highlands. Mr. Dotson further stated that there has been new construction within the ETJ, which helped to develop the look. Mr. Dotson also stated that he felt that bits and pieces of the ETJ was good for the Town but was not sure, as to the way to was constructed, to be a good thing.

As there were no further comments, the Commissioners voted and the vote was 3 to 1 for abolishing the ETJ. Commissioner Amy Patterson voted no.

Mayor Wilkes advised the public present that there needs to be a "super majority" and that this matter will have to be voted on again at the next regularly scheduled meeting. Town Attorney William Coward confirmed that it is a matter of state statute and that another vote is needed.

## **10. Chamber of Commerce request to close business district for Holiday Activities**

Bob Kieltyka of the Highlands Chamber of Commerce forwarded a letter to the Interim Town Manager Robert Zoellner for permission to close portions of the business district in order to conduct planned activities. Traffic control and traffic routes would be coordinated with the Highlands Police Department.

Events are scheduled for the following dates:

- Halloween Trick or Treat – Monday, October 31, 2011 from 5:30 p.m. to 8:00 p.m.
- Annual Christmas Tree Lighting – Saturday, November 26, 2011 from 5:30 p.m. to 7:30 p.m.
- Olde Mountain Christmas Parade – Saturday, December 3, 2011 from 11:00 a.m. to Noon

As there was no further discussion, Commissioner Gary Drake moved to approve the Chamber of Commerce's request to close the business district for holiday activities, which was seconded by Commissioner Amy Patterson and the vote was unanimous.

#### **11. Highlands Playhouse Architectural Assessment**

Jeff Weller of Summit Architecture addressed the Town Board and advised that a visual assessment of the Playhouse was conducted. Although the "bones" of the building are in decent shape there are electrical, floor and roof issues. Mr. Weller also discussed winterization and bringing the Playhouse up to ADA compliance, but stated that he needs to speak with other officials as the budget for that portion could dramatically change.

The Board and Mr. Weller discussed the condition of the roof, being only 9 years old, wherein shingles were not put on correctly. Mr. Weller also stated that there are portions of the roof that have no shingles at all and only felt to keep out the elements. Mayor Wilkes inquired how immediate was the roof issue and Mr. Weller advised that it should not go through the winter season.

The Town Board was presented with an assessment including photographs for their review and consideration. Vice Mayor John Dotson inquired as to the status of electrical wiring and Mr. Weller advised that ½ of the exposed wiring is not being used but it comes out of "hidden places" and since only a visual assessment was done, it is unknown how much wiring has been abandoned.

Mayor Wilkes gave an explanation of what had happened in the past and the repairs done and stated that the repair work was not overseen. Mike Rogers stated that any work performed needs to be overseen.

This matter was ultimately tabled, to be placed on the agenda for the next regularly scheduled meeting, in order for the Finance Committee to review the budget.

#### **12. Discuss/Take Action on Preliminary and Final Subdivision Plat for Town of Highlands (Church Street Alley)**

#### **13. Methodist Church proposed rerouting portion of Church St. Alley**

(The above two agenda items were combined for discussion)

As there was no immediate discussion, Vice Mayor John Dotson moved to approve the Preliminary and Final Subdivision Plat, as presented and was seconded by Commissioner Amy Patterson.

Town Attorney William Coward discussed with the Town Board specific North Carolina statutes pertaining to this matter and discussed the proposed contract prepared by Jack Mayer.

Vice Mayor John Dotson inquired of any feedback received regarding the notices to the public that were posted as to the closure/re-routing.

After continued discussion, Vice Mayor John Dotson amended his motion to approve Plat/Drawing Number 402.30, showing the closing of the alley, approve Plat/Drawing Number 402.301, which shows ingress and egress, accepting both plats as one, subject to the Order Declaring the Closing of a Portion of Church Street, which was seconded by Commissioner Amy Patterson and the vote was unanimous.

**14. Policy for Events on Town Property**

The Town Board was provided for their review the Parks & Recreation Use Policy (adopted March 12, 2008) for the Civic Center, Kelsey/Hutchinson Park, and the Permit/Rental Agreement/Waiver and Release.

Mayor Wilkes stated that the Town's policy needs to be updated and directed Town Planner David Clabo to review uses of town properties by other municipalities. The Board discussed the fees charged for leasing the Town's properties for event.

As there are many questions that need answering, Commissioner Gary Drake made a motion that a moratorium be put into effect for use of parks for commercial use until a new policy is in place, with the exception of previously scheduled events. There was no second.

Cynthia Strain and Debbie Grossman both addressed the Town Board and raised their concerns about not allowing events to take place and the effects upon business on and off Main Street. Mayor Wilkes stated that there are too many rumors going around and if the Town of Highlands is responsible for venues, then a policy needs to be set up and put into place.

As this was a discussion item, no vote was taken.

**15. Closed Session for Personnel under [N.C.G.S. 143-318.11(a)(6)]**

Commissioner Gary Drake moved the Town Board into Closed Session, which was seconded by Commissioner Larry Rogers and the vote was unanimous.

The Board met in closed session pursuant to N.C.G.S. 143-318.11(a)(6)].

No action was taken.

**16. Adjournment**

Upon the Board's return to open session, Town Engineer Lamar Nix discussed electrical usage rates.

As there were no further matters to come before the Board of Commissioners, Commissioner Gary Drake moved to adjourn, which was seconded by Vice Mayor John Dotson and upon unanimous vote the Town Board adjourned at 9:25 p.m.

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Mayor David Wilkes

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Jane J. Capman  
Recording Secretary

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Robert Zoellner  
Interim Town Manager

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Rebecca Shuler  
Town Clerk