

PUBLIC HEARING and REGULAR BOARD MEETING of January 17, 1996, with Mayor Pro Tem H. N. James, Mike McCall, Donnie Calloway, and Zeke Sossomon present. Mayor Cleaveland was out of Town and Comm. Sanders was unable to attend the meeting.

Also present were Richard Betz, Victor Lofquist, Dr. Louis Reynaud, Dr. Virginia Reynaud, and Ralph Morris.

A. Public Hearing.

Mayor Pro Tem James called the Public Hearing to order at 6:30 p.m., and stated that the purpose of the hearing was to receive comments on a petition for annexation received from Thomas B. Crumpler and H. Bradley Bloomer for approximately 6 acres located on Satulah Mountain contiguous to the corporate limits. The Clerk had reported at the December 6 meeting that he had investigated the petition in accordance with G. S. §160A-31(c), and it was sufficient. A public notice had appeared in The Highlander on January 2 in accordance with the Statute.

Dr. Louis Reynaud was present and asked about the Town's policy toward annexing such properties and providing services; he wondered if it would lead to additional annexations in the area.

Mayor Pro Tem James explained that since 1980 the Town has had a policy of not providing water to property without annexation. Water was readily available to this property from the water reservoir on nearby Town property.

Town Engineer Victor Lofquist stated that the water pressure would have to be boosted in order to provide water to the property, but that the pumps in the area would have to be upgraded eventually in any case to serve the Hobson/Haack property and the Morris property, which were already in Town.

Comm. Sossomon pointed out that the property description referred to the entire property, not the three lots indicated on the plat submitted. The Clerk said that was correct; he explained that the Board's original action had required the subdivider to adhere to the subdivision regulations if the property were subdivided. Comm. Sossomon wondered if, because the Statute said that the annexed property would be "entitled to the same privileges and benefits as other parts of the municipality," the Town would be obligated to upgrade the water pumps or provide other services. Mayor Pro Tem James pointed out that this property could expect no more services than other property in the area; under the Subdivision Regulations, the subdivider would be required to install his own water system and pump.

Comm. Calloway asked about other petitions for annexation in the recent past which had been denied. He was not sure he supported annexing property simply to make available Town services; he felt that might lead to additional annexations in the area. He wondered if the benefit of an increased tax base would outweigh the costs of providing services.

There being no further comments, Mayor Pro Tem James closed the Public Hearing at 7:00 p.m.

B. Regular Board Meeting.

In addition to those present for the Public Hearing, the following persons had arrived: Debbie Laughridge, Tony Chambers, John Dotson, Janet Chester, and Alan Marsh.

I. Mayor Pro Tem James called the Regular Board Meeting to order at 7:00 p.m.

II. The minutes of the January 3 Public Hearing and Regular Board

Meeting had been distributed by mail.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE FOREGOING MINUTES.

III. Reports.

1. The Clerk reported that invitations had been sent to all interested parties to attend the January 31 meeting with D. O. T. officials from Raleigh to discuss improvements to US-64.

2. Victor Lofquist was present representing W. K. Dickson Company, the Town's engineering firm. He reported that progress at the Water Treatment Plant had been slowed by the snow, but that the roof had been installed on the building addition and work was continuing on the pre-clarifier. He said that thus far three contractors had expressed an interest in bidding on the water/sewer line projects on January 25.

3. Public Works Director Lamar Nix reported that the Street Department had been working on ice and snow removal nearly every day since the initial snowstorm, and had also spent a good deal of time on equipment repairs. The Water Department had repaired a water main leak on Main Street, as well as several small service repairs due to frozen pipes. Problems had also occurred at the Wastewater and Water Treatment Plants; a broken housing on a finish water pump at the Water Plant was being shipped to Louisiana for repair. Several motor and pump problems had occurred on water pumps. The Electric Department had worked overtime repairing power lines and restoring services as a result of the weather. The Sanitation crews were assisting with snow removal, and were collecting refuse in parts of Town.

Comm. Calloway asked that all of the public service crews be commended for the work they were doing.

4. The Clerk reminded the Board that Shannon Baldwin was not able to be present due to a class he was taking on Wednesday nights at Western Carolina University. He distributed copies of the Zoning Administrator's written report for the month of December.

5. The Clerk reported that the Town had received \$138,959 through the Federal Emergency Management Agency from the Public Assistance Program of the State's Division of Environmental Management. This represented approximately 75% of the funds the Town would be receiving due to costs incurred from Hurricane Opal; he understood the balance would be received in the near future.

He also reported that he had thus far been unable to contact the owners of the Elizabeth Neal property along the west side of South Fourth Street, as requested at the previous meeting, to inquire about a sidewalk easement.

He also reported that additional letters had been received from property owners on Satulah Ridge Road and Carolina Way concerning participation in proposed road improvements; he would place this matter on the February 7 meeting for further action.

V. New Business.

1. The Board again considered the petition for annexation received from Thomas B. Crumpler and H. Bradley Bloomer for approximately 6 acres located on Satulah Mountain contiguous to the corporate limits, subject of a public hearing immediately preceding the meeting. The Clerk reported that a petition for annexation had also been received from Raymond P. Vito, and he had been talking to Craig Cranston about another proposed annexation as well.

MOVED BY COMM. MCCALL, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO DEFER ACTION ON THIS PETITION FOR ANNEXATION UNTIL SUCH

TIME AS THE OTHER APPLICATIONS HAVE BEEN RECEIVED.

2. Debbie Laughridge was present from Nantahala Realty to discuss real estate signs. She said that when an amendment to the Zoning Ordinance had been adopted in June of 1994 requiring a 10-foot setback from the wear surface of the road, she had been under the impression that real estate signs already in place would not be affected, but she understood that that was not the case any more. She wondered if there could be any exceptions made for signs that could not meet the required setback.

Tony Chambers said that he was present at the meeting at which the 10-foot setback had been established; although the minutes did not reflect it, he remembered that when the question of exceptions had been raised—such as for steep lots—he thought something had been said to the effect that the Zoning Administrator would look at these cases on an individual basis. Now he had been told that exceptions could only be granted by filing an application for a variance and paying a \$50 fee. He felt this expense was not fair for a temporary sign. He thought there should be an exception process, and used as an example the Nantahala Realty sign in the window of the Woodshop building on South Fourth Street, which did not meet the setback requirement.

Janet Chester said that most realtors were able to meet the 10-foot setback, but there were occasional exceptions; she felt there should be a process to deal with them.

Mayor Pro Tem James felt that the Zoning Ordinance would have to be amended to provide for such exceptions.

The Clerk said that he had spoken with the Zoning Administrator, and Mr. Baldwin felt that he did not have the authority to grant such exceptions. Comm. McCall agreed that it might be asking too much of him to grant exceptions on an individual basis.

John Dotson said the he remembered, like Mr. Chambers, that there would be some leniency in cases where it was needed. He felt that somebody should be given this authority, or that the Ordinance should be amended to permit judgement calls. He thought that 99% of the signs could comply with the setback, and were doing so if they could.

Debbie Laughridge also pointed out that, according to a letter written by then-Zoning Administrator Richard Betz, existing signs at the time would be "grandfathered." She understood now that that was not the case.

Mayor Pro Tem James felt that there were several sides to this issue, and it should be reviewed further. Comm. McCall felt that perhaps different regulations should apply in the business districts. Comm. Calloway said he did not disagree with the 10-foot setback in most cases, but would not mind looking at the issue again.

The Board agreed to ask the Zoning Administrator to delay enforcement of the Ordinance in this area by January 31, the date of the end of a "grace period" he had provided to area realtors, until it could meet with him and review this matter.

3. Each Board member received a copy of the Highlands Fire and Rescue Department Report for 1995.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ACCEPT THE REPORT.

4. The Clerk discussed with the Board the Recreation Capital Fund, which he reported now contained \$6485. As requested at the previous meeting, he had reviewed the minutes and financial records of the Town; he had discovered that this fund had been established in 1984 from "Recreation fees," and that by 1989 it had contained in excess of \$50,000, most of it in a Certificate of Deposit. Sometime shortly after 1989 the C. D. had apparently been cashed, and the proceeds

transferred from the fund. He had spoken to former Treasurer Bob Zoellner; he did not recall what the funds had been used for, but thought they had been placed in the General Fund. Mr. Betz felt that the Capital Fund should be built up again to an amount adequate to meet any capital needs at the Highlands Civic Center.

Mayor Pro Tem James remembered that, rather than being funded by fees, this Capital Fund had been built up from a 3% capital transfer from the Recreation Department budget each year. He felt that such a fund ought to be built up again to a certain amount. Comm. Calloway felt the fund should contain at least \$100,000; he asked the Clerk to investigate further and determine if possible exactly what the proceeds of the C. D. had been used for. The Board agreed for the Clerk also to determine if there would be adequate monies in the General Fund to transfer back into the Recreation Capital Fund.

5. Each Board member received a copy of a letter of resignation from Town Attorney Keith Clark dated January 15, 1996.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO ACCEPT THE LETTER OF RESIGNATION.

6. Comm. Calloway said that he had been reviewing the second draft of the proposed revisions to the Sewer Connection Policy, distributed at the January 3 meeting, but he would like more time to review it before holding the work session originally scheduled for this meeting.

The Board agreed to schedule a Special Meeting for 7:00 p.m. on Monday, January 29, to meet with Shannon Baldwin to discuss real estate signs, and to discuss the second draft of the Sewer Connection Policy.

7. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER AND A CONTRACTUAL MATTER.

A. The Clerk reported that the Mayor had been discussing the position of Town Attorney with Orville Coward Jr. He had spoken to Keith Clark, and Mr. Clark had offered to review all legal matters pending with Mr. Coward. Mr. Coward had been asked to attend the February 7 meeting to discuss this with the Board.

B. The Board discussed a broken valve at the Wastewater Treatment Plant with the Public Works Director and the Town Engineer, which had resulted in an on-site spill.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION.

8. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED FOR THE CLERK TO DRAFT A PRESS RELEASE ON THE ON-SITE SPILL AT THE WASTEWATER TREATMENT PLANT, AS DISCUSSED IN CLOSED SESSION, TO BE REVIEWED BY THE PUBLIC WORKS DIRECTOR, TOWN ENGINEER VICTOR LOFQUIST, GEORGE FRIEBERG AT HYDROLOGIC, AND BILL ANDERSON AT THE DIVISION OF ENVIRONMENTAL MANAGEMENT.

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

Meeting was adjourned at approximately 8:30 p.m.

Richard Betz, Town Clerk