

REGULAR BOARD MEETING of March 18, 1998, with Mayor Buck Trott and Commissioners H. N. James, Mike McCall, Ron Sanders, Zeke Sossomon, and Amy Patterson present.

Also present were Richard Betz, Lamar Nix, Eddie Madden, Selwyn Chalker, Bill Coward, Steve Pierson, Brenda Pierson, Eric Pierson, Georgia Allen, Randy Baron, Ralph Thomas, Alan Marsh, Rosemary Fleming, and Curtis Hayes.

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

He suggested that formal approval of the agenda be a part of each Board meeting, and he asked the Board if there were any changes to the agenda posted and mailed to each Commissioner.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA.

II. The minutes of the March 4 Regular Board Meeting had been distributed by mail. The Clerk had reported that the minutes had contained an error relating to the new fee for review of Erosion Control Permits adopted at the last meeting; the actual wording should have been:

"Minimum Fee of \$300.00, plus any cost over \$250.00 incurred as a result of review by the Town's Consulting Engineers."

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS CORRECTED.

III. Reports.

1. The Mayor reported that Police Chief Jerry Cook's father had passed away, and he expressed his condolences on behalf of the Town.

2. Public Services Administrator Lamar Nix reported that he had received the results of the lighting study for the Main Street Project. The study indicated that the proposed lighting would provide one to 2 foot-candles of illumination along the street, and 2½ to 4 foot-candles at the intersections; the street would thus be well-illuminated, but not too bright.

3. Each Board member had received a copy of the Recreation Director's written report for the month of March. Selwyn Chalker reported that informal bids had been received on some tractors, but he had still not received the bid from Southern Tractor company on a Kubota tractor; he recommended deferring action until that bid had been received. He also reported that a part-time front desk employee was willing to work full-time, and he asked the Board to be thinking about it; he felt it would be a good move, as the only additional cost would be in benefits. He also reported that work on the Department's Five Year Plan was continuing.

4. Each Board member had received a copy of the Town Administrator's written report with the agenda package.

IV. Old Business.

1. Town Attorney Bill Coward reported that he had sent the revised antenna lease agreement with WHLC to Charles Cooper for review, but had not yet received his comments.

2. Comm. Sossomon reported that the Street Committee and the Public Services Administrator had reviewed the request from the Kelsey & Hutchinson Lodge for structures on the right-of-way, as requested at the previous meeting. Comm. James asked if a sidewalk was required for the project; Zoning Administrator Eddie Madden replied that none was required because the property did not adjoin a sidewalk shown on the Master Sidewalk Plan.

Comm. Sossomon said that the Street Committee recommended that, if

the driveway entrance is widened, both of the columns should be moved back off the right-of-way. He pointed out that the area was a congested one, and it appeared that the Town needed to deepen the existing parking spaces. Although not identified on the Master Sidewalk Plan, he thought the Town might want to consider requiring a sidewalk at least part of the way along the street. He said that the Town was not requesting that they move the existing columns at this time, but that, with two or three of the buildings also within the current setbacks, the Committee did not want to make the situation any worse.

Randy Baron was present, and asked what would be permitted in the right-of-way if the columns were moved back behind the property line. Comm. Sossomon said that he had no problem with low plants that did not obstruct vision in the areas between the parking spaces and the driveway.

Ralph Thomas was present, and pointed out that the corner was a congested one; he said the property owners were trying to make the entrance more visually appealing in order to attract business, and they had spent a great deal of time and effort improving the appearance of the property. He also pointed out that if the parking spaces were lengthened and a sidewalk installed, it would undermine the root system of the large white pines along the property and destroy them.

Comm. Patterson said that she had no problem with low rock curbing to define the driveway entrance, provided it did not extend along the parking spaces on the street. The Board agreed.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO ACCEPT THE RECOMMENDATION OF THE STREET COMMITTEE, PERMITTING THE PROPERTY OWNERS TO INSTALL ONLY CURBING AND LOW LANDSCAPING IF THEY WANT TO; IF THE DRIVEWAY IS WIDENED, THE COLUMNS MUST BE MOVED BACK OFF THE RIGHT-OF-WAY.

3. The Mayor reminded the Board that copies of Guidelines for the Memorial Park Cemetery, drafted by the Town Administrator, had been distributed at the previous meeting. Bill Coward reported that most cemeteries now used Certificates of Interment Rights, rather than deeds for cemetery lots; under such a system, the Town would continue to own the land, which made it easier to restrict use and transfer. He offered to re-draft the Guidelines to incorporate such a procedure.

The Board then discussed the residency requirement, and agreed that the wording needed to be clarified. Eddie Madden asked if there was any procedure for paying for lots conveyed back to the Town. The Clerk said he did not know how the Cemetery Company had handled this eventuality, but would check with Bud Potts and review it with the Town Attorney.

V. New Business.

1. Pursuant to advertisement, the following sealed bids had been received for a 1998 4 X 4 Jeep Cherokee or equivalent for the Police Department:

- Edwards Auto Sales Company—Jeep Cherokee.....\$19,050.00
- Duvall Ford Company Inc.—Ford Explorer.....25,778.70
- Bill Holt Ford—Ford Explorer.....24,117.00
- Matthews Ford Inc.—Ford Explorer.....23,800.00
- Ken Wilson Ford Inc.—Ford Explorer.....24,461.00

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ACCEPT THE LOW BID, CONTINGENT UPON REVIEW OF THE SPECIFICATIONS BY THE POLICE CHIEF.

2. Eddie Madden had contacted the following five individuals, who had indicated that they would be willing to serve on the Land Use Planning Committee to replace James Tate, who had been appointed to the Planning Board at the previous meeting: Ned Bryson, Hank Ross, Peter Reitt, Clem Patton, and Bill Bubenick.

MOVED BY COMM. SANDERS, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPOINT NED BRYSON TO THE LAND USE PLANNING COMMITTEE.

The Mayor noted that Eddie Madden would be taking some vacation days next week, and asked the Board to formally appoint someone as Deputy Zoning Administrator.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPOINT RICHARD BETZ AS DEPUTY ZONING ADMINISTRATOR.

3. Town Planner Eddie Madden reviewed with the Board several proposed amendments to the Zoning Ordinance which had been distributed at the previous meeting:

A. Approval for re-painting of parking lots. The proposed amendment would permit existing parking lots to be re-marked only upon approval of the Zoning Administrator.

B. Amortization period for "new" signs. Comm. James said that he felt the 7-year amortization period for non-conforming signs was too long a period of time; larger non-conforming signs, for example, would be given an unfair advantage over newer smaller signs for a long period of time. Comm. Patterson said that, from the other perspective, property owners had a more significant investment in larger signs. Comm. Sossomon pointed out that the recent amendment concerning the manner of measuring signs painted on awnings did not involve signs with a large investment; because the cost was less, perhaps less of an amortization period should be considered. Comm. Patterson pointed out that, if the change was a minor one, there was not much of an advantage gained over another sign, and if the change was a major one, the investment was a significant one.

C. Deletion of harvest of trees provision. Eddie Madden said that Planning Board Chair Jolene Niblack had recently recommended deleting the provision in the Zoning Ordinance that permits commercial property owners to "harvest" trees for "personal use." However, the Planning Board had decided at their last meeting that there was no need to change the provision.

D. Structures in right-of-way where no right-of-way is defined. It had been pointed out that the provision regulating "structures" within the right-of-way, unlike the provision regulating setback of "buildings," might not apply where no right-of-way is recorded; the amendment would follow the wording of the building setback provision. Comm. Sossomon felt that the words "secondary roads" should be included after "North Carolina or U. S. Primary Routes."

E. Approval of change in color of building or sign. Eddie Madden pointed out that the Land Use Surveys had indicated that there might be some need for regulation of color or exterior finish. The proposal would require a Zoning Certificate for any change in color or finish, issued upon compliance with a color chart in a new Appendix C in the Ordinance. A like amendment could apply to signs.

Comm. James said he felt that, in addition to the foregoing proposed amendments, the Town should revisit the "three habitable stories" provision of the Ordinance. He noted that the Zoning Board had recently granted another variance for a third habitable level; he suggested that the requirement be deleted, but that the height requirement be retained.

Eddie Madden pointed out that the Zoning Ordinance now permits a property owner to locate off-premise parking on other property within a 400-foot radius if it cannot be provided on-site. He felt that this provision had the potential for a problem, and he suggested the Board consider eliminating it.

Comm. James felt that the Master Sidewalk Plan, referred to earlier in the meeting, should also be reviewed by the Board. He also suggested that perhaps the Board needed to review storm water drainage

requirements for new projects.

The Board agreed for Eddie Madden to draft the two additional amendments concerning number of stories and off-premise parking, and to bring them to the next Board meeting for review; it also agreed to review the Master Sidewalk Plan at the next meeting.

4. The Board considered budget requests to Macon County. The Town Administrator reported that the Town had requested \$150,000 last year to partially offset operating expenses at the Recreation Park; he felt this amount would be adequate this year, as he did not project any significant increase in the Recreation Department budget. The Board also discussed property which the County had purchased outside of Town in the Shortoff area for future ball fields for this end of the County last year, but which had not yet been improved.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO REQUEST \$150,000 IN FUNDING FOR THE RECREATION PARK, AND ALSO TO REQUEST THAT THE COUNTY CONSIDER BUDGETING FUNDS TO BEGIN DEVELOPING COUNTY RECREATION PARK PROPERTY OUTSIDE TOWN IN THE SHORTOFF AREA.

5. MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO CHANGE THE BOARD'S REGULARLY SCHEDULED MEETING OF APRIL 15 TO APRIL 22.

6. The Town Attorney noted that the agenda had listed a Closed Session to discuss the 4½/Poplar Street Declaratory Judgement; he also requested that the Board discuss the acquisition of real property in Closed Session.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO DISCUSS THE ACQUISITION OF REAL PROPERTY AND THE 4½/POPLAR STREET DECLARATORY JUDGEMENT PURSUANT TO G.S. §143-318.11(A)(5) AND (3), RESPECTIVELY.

All present left the meeting room except Town staff.

- A. The Board discussed the acquisition of real property with the Town Attorney.
- B. The Board discussed the 4½/Poplar Street Declaratory Judgement with the Town Attorney.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. Curtis Hayes was invited back into the meeting room.

7. The Clerk asked if the Board had had the opportunity to review the Thoroughfare Plan. Mayor Trott said that, as reported at the March 4 meeting, he, Comm. James, and Town staff had met with Blake Norwood, P. E., from the D. O. T. Statewide Planning Branch, and discussed adoption of the plan. Mr. Norwood had felt that the Board should consider adding the north end of Fifth Street, Poplar Street, and 4½ Street as an integral part of the Thoroughfare Plan.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ADD SOUTH STREET, FIFTH STREET, POPLAR STREET, AND 4½ STREET TO THE THOROUGHFARE PLAN.

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

There being no further business to come before the Board, the Mayor declared the meeting adjourned at approximately 9:07 p.m.

Richard Betz, Town Clerk