

REGULAR BOARD MEETING of September 16, 1998, with Mayor Buck Trott and Commissioners H. N. James, Mike McCall, Zeke Sossomon, and Amy Patterson present.

Also present were Richard Betz, Eddie Madden, Kim LeWicki, James Tate, Ned Bryson, Hank Ross, Alan Marsh, Dennis DeWolf, Edward & Pat Benton, Rosemary Fleming, Virginia Fleming, and Harold Brammer.

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

II. The Clerk requested adding three items to the agenda:

- Declaration of a water shortage condition;
- Authorization to sell a Fire Department vehicle;
- Discussion of a sewer easement on Mill Creek Lane.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

III. The minutes of the September 2 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that he had consulted with the Highlands Biological Station and confirmed that, unless 5" of rain fell before the first of October, this would be the driest year on record. The Clerk reported that he had consulted with the Mayor in accordance with the Town's Water Conservation Ordinance, and they had agreed to declare a Stage I water shortage condition advisory, requesting voluntary conservation by consumers; a publicity campaign on the shortage is to be initiated.

The Mayor reported that the Fire Chief had also declared a ban on all open burning within the Town.

The Mayor reported that he would be attending a Community Oriented Policing Seminar in Greensboro the following week.

2. Copies of the Town Administrator's report had been distributed prior to the meeting. Richard Betz said that, as the report indicated, the Town had received a check in the amount of \$229,225.45 the previous week as part of the settlement agreement between Duke Energy, the Town of Highlands, and Western Carolina University. This amount represented the Town's portion of the so-called "Energy Bank," which was established as part of the original Duke-Nantahala agreement in 1990.

3. The Clerk reported that the Fire Department had voted to sell its 1985 14-passenger Ford Club Van, minimum bid of \$2000.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO RECEIVE BIDS ON THE VEHICLE.

4. The Town Administrator reported that three property owners on Mill Creek Lane who shared a common septic tank had been cited by the Macon County Health Department for a defective system, and had been asked to connect to the Town sewer system. A sewer crossing had been approved by the Board several years ago for a property owner east of the affected properties, F. L. Jackson, with a provision that a right-of-way be provided so that other properties in the area could use the same line, but a sewer easement had never been obtained. A crossing had been approved last year for Dr. Ernest Franklin to the west, and a sewer easement had been obtained and recorded; however, it provided for a line to be installed between Mill Creek Lane and the manhole north of Mill Creek, rather than across the affected properties along the creek to the manhole. Both Mr. Jackson and Dr. Franklin would permit the property owners to access the manholes on their property only upon the payment of several thousand dollars in

order to recover their costs for the installation of the sewer crossings. Mr. Betz said that he had discussed the matter with the Town Attorney, and that one option would be to condemn a sewer line easement to either of the manholes.

Comm. Sossomon reminded the Board that the very issue of some mechanism for reimbursing costs in such cases had been discussed by the Board in previous years; he felt that it was reasonable to expect that those costs be paid. Comm. James agreed; he felt the property owners should work out an agreement with Mr. Jackson or Dr. Franklin and pay the costs requested, or make other arrangements. Comm. Patterson agreed; she had never understood that it had been the Town's policy that others could access these lines without paying any costs to the property owners who had installed the sewer lines across the creek.

V. Old Business. None.

VI. New Business.

1. The Town Administrator reported that a petition for re-zoning had been received from Brammer L.F.P., to rezone six lots in Wright Square—Lots 15, 17, 19, 21, 23, and 25—from B-3 Business to B-2; the lots were located between Helen's Barn Avenue and Spring Street, immediately west of Second Street.

Harold Brammer was present and explained that the front portion of Wright Memorial Square was zoned B-2 and the rear was B-3. If a business was placed on Lot 25, which was closest to Second Street, it would not be visible from Main Street due to the setback. He proposed a plan similar to one approved several years ago—one or two two-story buildings, with a third level of parking below, and an entrance off Helen's Barn Avenue; he said that this would finish off the complex and provide additional parking.

Comm. James said he did not see how the Board could consider the petition without considering the entire area; he thought it would be an instance of spot zoning. Town Planner Eddie Madden was asked if the Planning Board needed to review the petition, since the Land Use Planning Committee had already recommended re-zoning this property B-2. Mr. Madden said he felt the Planning Board needed to make a specific recommendation on this property. Committee member Alan Marsh said he would hate to see the re-zoning approved now; it would mean that eight months worth of work would come to nothing.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED THAT THIS OR ANY OTHER PETITION IN THE AFFECTED AREA BE TAKEN UNDER ADVISEMENT UNTIL THE BOARD HAD COMPLETED THE LAND USE STUDY.

2. Eddie Madden explained that he and several members of the Land Use Planning Committee were present to answer any questions concerning the recommendations which had been made at two previous meetings. He said that the only additional change was a recommendation made at last Monday's meeting that sprinkling be required for all new commercial buildings; he was currently reviewing the legality of such a requirement.

The Board then proceeded to discuss all of the recommendations, as follows:

(A)(1)Change zoning along Spring Street from B-3 to B-2 with the exception of the Neal property on the South side of Spring Street from 3rd Street to 4th Street.

The recommendation prompted a lengthy discussion, using the Brammer property previously discussed as an example. Comm. Sossomon commented that it seemed well nigh impossible to implement all of the B-2 recommendations for this piece of property. Alan Marsh pointed out that this was the last valuable property left in Town; he thought somebody would find a way to develop it. Dennis DeWolf agreed; he said that the objective was to have buildings along Spring Street face

that street, rather than turn their backs on it.

Comm. McCall questioned the cost involved, and also pointed out that many other lots on Spring Street were similar to this one.

Comm. Patterson felt that the philosophy was a good one, that Spring Street should be a walking district just like Main Street, with no crossing driveways; she also had no objection to one-way traffic on the alleys. She said that if you liked the concept, you could work it out so that it could be done. She pointed out that the property adjoining her business was currently being developed and the site work was very expensive; she did not think that the recommendations would be enough of a deterrent that it would make Spring Street undevelopable.

Comm. James said he still did not see how a building could be located on Spring Street with the parking accessed off Helen's Barn Avenue. He also asked how two-way parking and loading zones could both be located on alleys with only 20-foot rights-of-way. Dennis DeWolf suggested that additional right-of-way could be condemned. James Tate said he felt that a 20-foot right-of-way was ample room for one-way traffic and loading zones.

(2) Change zoning on Main Street from B-3 to B-2 from Second Street to First Street.

The Board discussed the possible ramifications with regard to the Mountain High Motel and other properties.

(3) Change zoning at Catholic Church along Fifth Street property from R-2 to B-4.

Dennis DeWolf explained that this recommendations had been prompted by a desire to create a "flow" of zoning in the area, similar to commercial areas around it, rather than the current residential pocket. Comm. Patterson agreed that it cleans up the map; she felt it made it contiguous with other zoning in the area, and was a proactive approach. Comm. James said he liked the property like it was; zoning it B-4 could permit it to be rented out as business in the future. Eddie Madden explained that one of the objectives of the Committee had been to identify property in the central business district that could be used for commercial purposes in the future in order to prevent corridor development from taking place. Mayor Trott felt that the current residential zoning for the property constituted spot zoning.

(4) Change zoning of the Liz Development property along U.S. 64 from B-3 to R-1.

James Tate said that this recommendation, and the following ones, stemmed from efforts to centralize the commercial area and downsize strip zoning; it was recommended that properties not currently being used commercially on the highways should be zoning residential, and those that fit B-4 criteria rather than B-3 should be re-designated. Comm. Patterson remembered that there had been some sentiment in 1990 to re-zone the Liz Development property residential.

(5) Change zoning of the Merry Mountaineer property on U.S. 64 from B-3 to B-4.

(6) Change zoning of the Village Goldsmith property along U.S. 64 from B-3 to B-4.

(7) Change zoning of the Roger Smith property along U.S. 64 West from B-3 to R-2.

(8) Change zoning of the Gerson Perry property along U.S. 64 West from B-4 to R-2.

Comm. James said he had no problem with recommendations (4) through (8).

(B)(1) Require that all buildings be set back at least twelve feet from right of way in the B-2 Business District.

(2) Require a 6 foot landscape strip and a six foot sidewalk within the required setback area in the B-2 Business District.

Land Use Planning Committee members present clarified that the sidewalk would be adjacent to the street.

(C)(1) Require that all off-street parking be located in rear of buildings and not visible from any major street or major cross-street, exclusive of alleys, in the B-2 Business District.

(2) Require that all primary pedestrian entrances face main thoroughfares in the B-2 Business District.

Committee members clarified that "main thoroughfares" meant Main Street, Spring Street, and Oak Street. Comm. Sossomon suggested that the word "visible" be re-considered; what was meant was that access not be from major streets.

(3) Prohibit vehicle accesses on Main Street from First Street to Fifth Street or Spring Street.

(4) Limit curb cuts to one (1), twenty-four feet (24') in width, for two-way traffic.

(5) Limit curb cuts to two (2), eighteen feet (18') in width, for one-way traffic.

(A) (1) Disallow unloading on Main Street in the B-1 Business District.

(2) Designate unloading areas along alleyways.

(3) Improve and widen, remove obstructions, and encourage enforcement of alleyways.

(B) (1) Upgrade and improve Maple Street to accommodate two-way traffic and sidewalks.

The Mayor pointed out that in some cases there was no alternative location for dumpsters. Comm. James reminded the Board that the Maple Street project had already been identified in the Capital Improvements Program for the next fiscal year.

(2) Install traffic signals at the intersection of Maple Street and Highway 64 and at the intersection of Main Street and Third Street.

The Clerk reported that the D. O. T. was in the process of studying this recommendation.

(3) Reconfigure STOP signs at the intersection of Maple Street and Oak Street.

(4) Improve turning lane on Main Street turning North in front of Reeves Hardware.

(5) Install flashing lights for emergency vehicles at the intersection of Main and Third Street and at the intersection of Highway 64 and Maple Street.

(6) Recommend closing vehicular access to municipal parking area adjacent to Town Hall off of Fourth Street; Provide access from Maple Street and from ABC parking area.

(C) (1) Provide diagonal parking and sidewalks along Spring Street with the exception on the South side from 3rd to 4th Street.

Comm. James asked why the Neal Property had been excepted. Dennis DeWolf said that the Committee felt grateful for this down-zoning which had been requested and granted many years ago, and for the green area which it preserved; they recognized that a sidewalk needed to be constructed to tie in with Fourth Street, but they felt it should be within the Town right-of-way to preserve that green area. Comm. James said he felt the same about the green area at the Catholic Church.

- (2) Provide parallel parking on South side of Spring Street from 3rd to 4th Street.
- (3) Provide diagonal parking and sidewalks along Oak Street from 1st Street to 3rd Street.
- (4) Provide sidewalks along South side of Church Street from 4th Street to 5th Street.
- (5) Provide sidewalk on West side of First Street from Main Street to Log Cabin Road.
- (6) Provide sidewalks from Highlands School along the South side of Pierson Drive/Wilson Road to the new student parking area.
- (7) Provide sidewalks on the Southwest side of Highway 64 from First Street to Holt Knob Road.
- (8) Provide sidewalks on North side of Smallwood Avenue from Fifth Street to Wilson Road.
- (9) Provide sidewalks on West side of Wilson Road from Smallwood Avenue to Main Street.
- (10) Provide sidewalks on South side of Main Street from Wilson Road to Fifth Street.
- (11) Provide sidewalks on the East side of First Street from Main Street to Oak Street
- (12) Provide raised sidewalk along West side of Fifth Street from Oak Street to Pine Street.

After some additional discussion, it was agreed that the second meeting in October should be reserved for discussing the remaining elements of the Land Use Plan Update, which James Tate reported would consist of the residential areas and municipal services, as well as expected recommendations on extra-territorial jurisdiction and annexation.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO AUTHORIZE TOWN PLANNER EDDIE MADDEN TO PROCEED WITH DRAFTING SPECIFIC LANGUAGE FOR THE AMENDMENTS TO THE ZONING ORDINANCE RECOMMENDED THUS FAR.

VII. There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:00 p.m.

Richard Betz, Town Clerk