

REGULAR BOARD MEETING of January 3, 2001, with Mayor Buck Trott and Commissioners Zeke Sossomon, Amy Patterson, H. N. James, and Mike Cavender present. Comm. Sanders was not present.

Also present were Richard Betz, Lamar Nix, Maureen Lackey, Selwyn Chalker, Kim Lewicki, Hank Ross, Hugh Spurrill, Wendell Underwood, Mildred Johnson, and Alan Marsh.

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. The Clerk asked that one item be added: Adoption of a Resolution Approving an Agreement with the D. O. T. for a Sidewalk Along Fifth Street.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

III. Approval of Minutes.

Copies of the minutes of the December 6 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that the grass-eating carp had been introduced into Mirror Lake on December 18 pursuant to the Aquatic Weed Program. He also reported that he had heard a presentation by Electricities to the State Legislature's Study Commission, and that the organization was now recommending that the electric deregulation process be slowed.

2. Each Board member had received the Public Services Administrator's written report for the month. Lamar Nix was present and reviewed the report with the Board, noting that the Fourth Street Sewer Replacement project was complete except for the asphalt repair, that the notice to proceed had been issued on the West Shore Lake Sequoyah Project, and that the utility relocation for Maple Street was approximately 50% complete. Asked about garbage pickup policy during the recent icy weather, he explained that running of the Sanitation Department trucks was largely left to the judgement of the Department Head; in general, the trucks would not run if road conditions were such that they would risk equipment or personnel. However, the new one-ton four-wheel-drive truck would be out of the shop by the end of the week and would be able to help pick up residential garbage on some of the worse roads.

Comm. James asked about the N. C. 106 sewer project approved at the December 6 meeting. The Town Administrator reported that the agreement had been delivered to Larry Guido but had not yet been returned; the engineering agreement with Pesterfield Engineering had been executed and returned, and he understood surveying would begin soon. Comm. James felt that the engineer should be asked to hold off on any work until the agreement had been returned and funds deposited in escrow, and the Board agreed by consensus.

3. The Clerk reported that Police Chief Jerry Cook was on vacation, and would present his written report next month.

4. Each Board member had received a copy of the Recreation Director's report for the month. Selwyn Chalker was present and reviewed the report with the Board. He also said that, with the

help of volunteer Mark English and his crew, he had installed the ice-skating rink earlier in the day.

5. Each Board member had received a copy of the Town Planner/ Zoning Administrator's report for the month. Maureen Lackey was present and reviewed the report with the Board. She noted that the Zoning Board had issued a Special Use Permit for the Upper Crust Bakery, but it was now void because the business was a part of Highlands Inn. An appeal by Highlands Country Club regarding dormitories had not been heard, but a different plan would be presented at the next meeting. The Planning Board had sent an application for a subdivision variance from Rowland Brazzeal to the Watershed Review Board for review. It had also recommended denying the re-zoning request by Hugh Spurrill, as discussed at the December 6 Town Board meeting, for property on Pierson Drive. She said the Board felt that B-3 property should not be located adjacent to R-2 property, and also felt that the area in general was not a good one for the type of use proposed.

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

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

7. The Town Administrator reported that the County Commissioners would be discussing re-scheduling the joint meeting with the Town at their meeting next Monday. The Town's withdrawal in the amount of \$300,000 from the Macon County Water Supply & Wastewater Treatment Improvement Fund had been received last week, together with an explanatory letter from the County Manager, copies of which were distributed. He also reported that a check to the Highlands Fire Department in the amount of \$3,000 had been received from Jackson County in response to last month's letter from the Department.

W. K. Dickson Co. consulting engineer Victor Lofquist had informed him that he was proceeding with the Alternatives Analysis for the Wastewater Treatment Plant expansion, and hoped to begin the Environmental Assessment soon. He also hoped to make submittals to the State soon for the Bowery Water Project.

He also distributed a summary that Bill Coward had prepared of the joint agreement between the Town and Duke for the line across the Lake Sequoyah Dam. The agreement, together with an easement across the dam, would be on the agenda for approval at the January 17 meeting.

He also distributed copies of a letter from the Chairman of the Zoning Board concerning policy on metering separate businesses, an issue that had come up at the last Zoning Board meeting. He said he had written a letter to the Zoning Board clarifying the issue and also discussed it with Mr. Williams, and would be meeting with the Town Engineer to review any changes that might be required to the Highlands Code.

#### V. Old Business.

1. Each Board member had received a fourth draft of a proposed Ordinance Regulating the Draining of Impoundments, incorporating changes discussed at the previous meeting. The Town Administrator reported that he had spoken to Victor Lofquist about the questions at the previous meeting concerning the size of impoundments above which a plan should be prepared by a Professional Engineer. Mr. Lofquist had agreed that the height and volume limit used for Dam Safety purposes--15 feet in height or 10 acre-feet in volume--might not be a good standard to use for deciding whether or not to require an engineered plan. He felt that the potential for sedimentation was more a function of the surface area of an impoundment and the drainage area feeding it, and he suggested requiring an engineered plan for impoundments greater than one-half acre in surface area at full pool or 75 acres of contributing drainage area.

Comm. Patterson said she felt that standard would be more appropriate, but she was not sure about the numbers. After some discussion, the Board agreed for the Town Engineer to review the suggestion, and to provide the Board with sizes and drainage areas of typical impoundments in the watershed for review at the next meeting.

#### VI. New Business.

1. The Town Administrator reported that only one informal bid had been received on stone and gravel. The Board agreed to re-advertize for bids at the next meeting.

2. The Board discussed the petition for re-zoning from Hugh Spurrill. Town Planner Maureen Lackey repeated her earlier explanation of why the Planning Board had recommended not approving the re-zoning. She also reported that two adjoining property owners had verbally told her that they favored the re-zoning and development of the lot.

Comm. James asked if the Planning Board had considered re-zoning the southern portion B-3 and the northern portion B-4, with development on the B-4 portion; if so, he would have no objection to the re-zoning.

Comm. Sossomon asked why a personal storage warehouse would not be considered a "customary accessory outbuilding appurtenant to single-family dwellings," a use permitted in an R-2 Zoning District.

Ms. Lackey said that the intent of that provision was to permit outbuildings only along with residences; the Town Administrator said that that had also been past policy.

Comm. Cavender said that he would be reluctant to change the zoning from residential to commercial. He noted that several similar petitions had been denied recently, and he said he hated to see the Board approve arbitrary, piecemeal zoning; he would like to see more consistency. He also said he would like to see the Planning Board look at areas where residential and commercial properties adjoin one another--an issue that had come up with the recent carwash application--and perhaps ask for a recommendation on re-zoning areas to B-4 where possible.

Comm. James pointed out that the Planning Board had recently updated the Land Use Plan and reviewed the Zoning Map; Mayor Trott agreed.

Alan Marsh, a member of the former Land Use Planning Committee, was present; he said the Committee had looked at this area and agreed it was appropriate for commercial use.

Comm. James felt that this request was different from the others that had been denied. The adjoining area was used for storage warehouses now, and in his opinion the property would not be worth much for anything else.

The Board took no action on the petition.

3. MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPOINT LAMAR NIX CEMETERY SUPERINTENDENT.

4. MOVED BY COMM. CAVENDER, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING RESOLUTION, PROVIDED THE PROJECT COST NOT EXCEED THE STATED LIMITS:

A RESOLUTION APPROVING AN AGREEMENT WITH THE D. O. T.  
FOR A SIDEWALK ALONG FIFTH STREET

**WHEREAS**, the Department and the Municipality have agreed to participate in the construction of approximately 125 feet of sidewalk, including handicap access ramps and drainage, and approximately 90 feet of curb and gutter on the west side of Fifth Street from Highlands School to South Street; and

**WHEREAS**, the Municipality shall be responsible for the preparation of the sidewalk design and project plans, acquisition of any required right-of-way, relocation of all utilities, and construction of the project; and

**WHEREAS**, the Department agrees to participate in 50% of the sidewalk construction cost up to \$1,250, and 100% of the curb and gutter construction cost not to exceed \$4,000. Reimbursement to the Municipality shall be made in one final payment upon completion of the project.

**NOW, THEREFORE, BE IT RESOLVED**, that Project E-2971N in Macon County is hereby formally approved by the Board of Commissioners of the Town of Highlands and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

VII. MOVED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:05 p.m.

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Richard Betz, Town Clerk