

REGULAR BOARD MEETING of April 9, 2003, with Mayor Buck Trott and Commissioners H. N. James, Ron Sanders, Hank Ross, Mike Cavender, and Amy Patterson present.

Also present were Richard Betz, Lamar Nix, Larry Gantenbein, Selwyn Chalker, Williston Houston, Kim Lewicki, Ginger Slaughter, Mary Berry, Bob Houston, Farrell Zehr, Bill Rethorst, and Mr. & Mrs. David Wilkes.

I. Call to Order.

The Mayor called the meeting to order at 7:00 p.m. He explained that this meeting had been re-scheduled from April 2 due to lack of a quorum on that date.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS DISTRIBUTED.

III. Approval of Minutes.

Copies of the minutes of the March 19 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 commended the trimming crew and the public works staff for maintaining power and clearing roads during the recent snowstorm.

2. The Town Administrator said that he had received a report from Town Attorney Bill Coward concerning the right-of-way for the portion of Bowery Road beyond the first 0.7 mile maintained by the State. The report said that the Town had a recorded 60-foot right-of-way except for four properties along the north side of the western end of the portion investigated, owned by Tracy, Westbrook, Lund, and Kolb. It was agreed by consensus that the Finance Committee would consider the request made last year to pave a portion of the road along with several other items for the FY 03-04 budget; the Finance Committee agreed to meet at 5:30 p.m. on Monday, April 14. Comm. Ross noted that he had previously raised a question about the specifications for the road; the Town Engineer said that the subdivision regulations provided for an 18-foot wear surface and four-foot ditches, and he agreed to meet with Comm. Ross on site and review how these standards would impact the area along the road.

3. Each Board member had received a copy of the Public Services Administrator's written report for the month. Lamar Nix also reported that the Town had been requested to assist in the removal of a spruce tree in a planter on Main Street in front of the old Galax Theatre; the Board had no objection. Comm. Ross asked about the removal of silt from the intake at the Water Treatment Plant; Mr. Nix explained that the silt had to be removed two or three times a year, and he agreed to meet with the Water Plant Operator and see if it was necessary. Comm. Cavender felt that the owner of Randall Lake should continue to receive bills for the cost of removing the silt.

4. Each Board member had received a copy of the Police Chief's written report for the month. Assistant Police Chief Williston Houston was present to answer any questions.

5. Each Board member had received a copy of the Recreation

Director's report for the month. Selwyn Chalker was present and reported that he would have a list of summer employees ready for approval at the May 7 meeting, and the Board agreed to review those names, as well as the schedule of part-time salary ranges presented the previous month. He also asked for permission to employ Brett Walters before then in order to begin some summer maintenance work.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO EMPLOY BRETT WALTERS PART-TIME.

6. Each Board member had received a copy of the Town Planner/Zoning Administrator's report for the month, including an activity report on the March 24 Planning Board meeting. Larry Gantenbein was present and reviewed the report in some detail.

A. The Planning Board had recommended that, rather than amending the Zoning Ordinance pertaining to church parking in the B-2 district, the Zoning Administrator should write a letter explaining that the parking requirement would only apply for an increase in sanctuary seating. One drawback to such an interpretation was that it could leave some questions concerning parking for other church functions; he felt that parking would be required for uses like day care centers or schools, which were listed elsewhere in the parking table, but not for church offices or fellowship halls. The Board agreed by consensus for the Zoning Administrator to draft such a letter for its review.

B. Language had been drafted concerning the Highlands Biological Station, but the Planing Board had agreed to continue the matter until the April 28th meeting when Dr. Wyatt could be present to answer questions.

C. The Planning Board had recommended amending the Zoning Ordinance pertaining to the height of school gymnasiums as follows:

Add the highlighted words to Section 208.7, Structure Height:

"No structure within the GI Governmental/Institutional District shall have more than two habitable stories, exclusive of basement, nor shall the height of the structure exceed thirty-five feet, **except that the Town high school gymnasium height shall not exceed forty-five feet.** For the purpose of this provision, the height of the structure shall be the vertical distance from the established grade elevation at the center of the front of the structure to the highest point of the roof or parapet of the structure."

D. The Planning Board had recommended granting a variance from subdivision road standards for Lot 95 in Shelby Place, owned by Harold Gurganus; it had not recommended extending the variance to all property owners along the roadway. Comm. James said he agreed with that; he did not see how a variance could be granted to all of the lots, although it was reported that all of those property owners were being contacted. The Town Planner had distributed a package of material earlier in the meeting, which included more details on this application; the public hearing had been scheduled for April 16.

E. The Planning Board recommended granting a variance from road grade for the Toad Hall property, owned by Gloria Pariseau. Like the previous application, the Town Planner had distributed a package of material earlier in the meeting, which included more details. and the public hearing had been scheduled for April 16.

Mr. Gantenbein then explained in some detail the reasons why a Town Board, when it acted in a discretionary manner in granting subdivision variances or approving subdivision plats, should follow the rules of due process. The Board could choose not to do so, but as had occurred in the recent case cited in the materials he provided, a denial of a variance or a subdivision plat could be appealed and would likely be overturned. Comm. James pointed out that the Board had never denied a subdivision plat, although it had denied

subdivision variances; he did not think the Town would have to go through the public hearing process for approving a plat, although he agreed it would be necessary for variances. Comm. Cavender pointed out that the potential for some large subdivisions still existed, and it would be good to have a formalized record to support a Board decision to deny such subdivisions if necessary. Comm. Patterson agreed; she pointed out that some discretion was involved in, for example, approving subdivision plats at the end of a 0.7-mile dirt road. The Mayor pointed out that the Town did not deal with subdivision plats that often; he felt that it would be in the Board's interest to do it right.

7. 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.

8. The Town Administrator reported that the Town had received written approval for the sewer line across LWCF Recreation Park property from John C. Poole, Division of Parks and Recreation.

He also reported that he had received some e-mail communications from Bob Wright, Executive Director of the Upper Cullasaja Watershed Association, asking if the Town would object to being named as a "cooperating agency" with respect to a UCWA grant application for some state funding to support the stakeholder development process, required for potential water quality or storm water projects. He had replied that his understanding was that this matter had been taken under advisement at the March 19 meeting, although Mr. Wright had explained that this was a separate issue, and that being a cooperating agency did not carry any commitment to any potential project.

The Mayor felt that both requests should be reviewed by a Committee consisting of the Utilities Committee (Comms. Ross and James), the Town Engineer, and the Town Administrator. The Board agreed by consensus.

V. Old Business.

1. Copies of the proposed Fire Department budget had been distributed at the March 19 meeting; Bob Houston was present to answer any questions. The budget proposed a fire tax of 0.010 per \$100, a decrease from the previous year's rate of 0.015; this would generate approximately the same revenue (\$213,826) due to the revaluation. The budget also included a proposal to continue health insurance coverage for 10 members through the end of the year, and to reimburse firemen not covered by insurance \$150 per month; the 10 members currently covered would be reimbursed when their COBRA coverage expired.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE BUDGET AND FORWARD IT TO MACON COUNTY FOR APPROVAL.

VI. New Business.

1. The Board agreed by consensus to set the weeks of April 28 and May 26 for the annual Spring Cleanup.

2. David Wilkes, owner of the Highlands Hiker, was present to request the Town to consider two-hour parking on Church Street. He said that construction at the old Condiment Property on one side and the Presbyterian Church on the other side of his business had resulted in the loss of 30 parking spaces, leaving no room for his customers to park. He also suggested that delivery trucks should be permitted to unload in front of the 60-foot construction trailer across from his property. He was also concerned that no sidewalk had been provided for pedestrians during construction. Comm. James

suggested that the Street Committee (Comms. Cavender and Sanders) review the request, and the Board agreed by consensus. It was also agreed that the Zoning Administrator should accompany the Committee in order to review the need for a temporary sidewalk.

3. The Town Administrator reported that the Town had been contracting with Lance Hollars of Group One Landscape since 1991 for landscape maintenance in various downtown areas each year. The work consisted of a mulch program, fertilizer program, water program, planting of annuals and perennials, pruning and plant management, and cleaning up the areas. Last year, the amount of the contract had been \$9,200, and at least one Board member had suggested that the Board consider advertizing for bids this year. In developing a Request for Proposals and discussing this with the Town Engineer and with Comm. Ross, and after inspecting the areas maintained, he suggested that it might be worthwhile to review the entire program.

The Board agreed by consensus for the Street Committee to review the landscape contract with Comm. Ross and the Town Engineer.

4. Town Engineer Lamar Nix had prepared estimates of paving for 2003 totalling \$125,085; he reported that \$131,000 was available in the budget, including the balance of Powell Bill funds and \$100,000 in additional street paving funds budgeted for the year.

MOVED BY COMM. SANDERS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ADVERTISE FOR PAVING BIDS FOR THE APRIL 16 MEETING. It was agreed that, if bids could not be submitted within this period of time, the Board would consider at that time scheduling a special meeting for April 23 or April 30 for the purpose of awarding bids.

5. The Town Administrator reported that a petition for annexation had been received dated March 11, 2003, prepared by Richard Melvin, from three property owners involving four parcels of property. He had provided a map which identified the three properties, together with the petition itself and information on the voluntary petition statute. The properties were:

A. W. E. and Marie Haynes--an approximately 10-acre portion of a 22-acre tract; a 200-foot wide portion along US-28 was currently in the Town limits. The property owner had requested water service last December, and had been informed that Town policy required annexation as a prerequisite for water service.

B. John King Logan and Janet S. Young--two pieces of property: a 0.78-acre tract containing the Young residence, and a 9.54-acre tract surrounding that tract currently vacant; the residence was already served by Town water.

C. Mary Berry--a 12.88-acre tract containing the Berry residence; the residence was already served by Town water.

The Board discussed the petition at some length, noting that only a portion of the Haynes property was included in the petition, which would result in an isolated area of property which would not be annexed, as well as the rest of the property to the east. The consensus of the Board was that the petition should include the entire 22-acre tract, rather than splitting a parcel.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO CONTACT MR. HAYNES AND REQUEST THAT HE AMEND HIS PETITION TO INCLUDE THE ENTIRE PARCEL OF PROPERTY.

6. Town Planner Larry Gantenbein reported that, as detailed in his earlier activity report, the Planning Board had discussed the issue of three acres of the 6.15-acre Gloria Pariseau property at Toad Hall being located under Lake Sequoyah. The Subdivision Ordinance currently does not address the issue, although it had been brought to the attention of the Board of Commissioners some time ago with respect to this same property. He felt that the Board should consider amending the Ordinance to clarify that only dry land should be considered when calculating both density and built-upon limits.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO ASK THE TOWN PLANNER TO DRAFT LANGUAGE TO THAT EFFECT FOR THE BOARD'S REVIEW.

7. As reported earlier in the meeting, the Town Planner reported that the matter amending the Zoning Ordinance with respect to the Highlands Biological Station had been continued until the Planning Board's April 28 meeting.

8. The Town Administrator reported that Street Department employee Lee Reddish would be retiring effective May 1; the Board agreed by consensus to advertize for the position.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(6) TO REVIEW APPLICATIONS FOR EMPLOYMENT IN THE TRIMMING CREW. All present left the room except the Clerk and the Public Services Administrator.

The Public Services Administrator had reviewed several applications with Trimming Crew Leader Matt Shuler, and he recommended employing Christopher Mark Henry in the position at the beginning salary.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION.

9. MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO EMPLOY CHRISTOPHER MARK HENRY IN THE TRIMMING CREW AT THE BEGINNING SALARY, 10-1 (\$20,981).

VII. There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:30 p.m.

Richard Betz, Town Clerk