

BOARD MEETING of July 7, 2004, with Mayor Buck Trott and Commissioners Amy Patterson, Hank Ross, H. N. James, and Alan Marsh present; Comm. Dennis DeWolf was out of Town.

Also present were Richard Betz, Lamar Nix, Larry Gantenbein, Selwyn Chalker, Kim Lewicki, Jim Lewicki, Lewis Doggett, Ginger Slaughter, Robert Tucker, Bob Wright, and others.

I. Call to Order.

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

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Clerk requested that the Board discuss a Budget Request to Macon County under New Business; Comm. James requested that the Board discuss Church Street under Old Business; Comm. Marsh requested that the Board discuss "temporary structures" under New Business.

MOVED BY COMM. MARSH, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

III. Approval of Minutes.

Copies of the minutes of the June 16 Regular Board Meeting had been distributed by mail.

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

Copies of the minutes of the June 21 Special Board Meeting had been distributed by mail.

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

Copies of the minutes of the June 30 Budget Hearing and Special Board Meeting had been distributed by mail. The Clerk reported an error in the minutes: the motion to adjourn should have been made by Comm. Patterson, not Comm. Cavender.

MOVED BY COMM. MARSH, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS CORRECTED.

IV. Reports.

1. The Mayor reported that the Special Operations Adventure Race had been a success, raising more than \$58,000; next year's race was scheduled for June 25. He also reported that he had attended the Old Edwards Inn ribbon-cutting ceremony earlier in the day; he noted that all of the scaffolding had been removed on Fourth Street and said he understood no further work would be done on that street until November. He also commended the Chamber of Commerce and the Recreation Department on the Fourth of July fireworks display.

2. The Town Administrator reported that the Town Attorney had informed him that the landowners in the Bowery Road case had filed a petition for discretionary review with the N. C. Supreme Court; the Court was expected to make a decision on hearing the case in 30 to 60 days.

3. Each Board member had received a copy of the Public Services Administrator's written report for the month; Lamar Nix was present to review the report. He added that the planters on Pine Street and West Main Street had been installed. Comm. Marsh asked about the fence in front of Reeves Hardware's storage yard on West Main Street; the Mayor agreed that it was potentially dangerous and asked

Mr. Nix to request that Reeves repair it. Comm. James asked if engineers working on Town projects reported in writing to him; Mr. Nix said they did not, but that it would be helpful if they did. Comm. James said that he felt the Board should consider developing an Ordinance that would require engineers to report on a monthly basis, otherwise the Town should be inspecting such projects; he asked that this item be placed on the agenda for the next meeting.

4. Each Board member had received a copy of the Police Chief's written report for the month; Jerry Cook was not present because he was qualifying at the firing range.

5. Each Board member had received a copy of the Recreation Director's report for the month; Selwyn Chalker was present to review the report. He reported that the new lining on the swimming pool was cutting maintenance time significantly. He also reported that Comm. DeWolf would have a report at the next meeting on repairing the roof at the Civic Center.

6. Each Board member had received a copy of the Town Planner/ Zoning Administrator's report for the month; Larry Gantenbein was present to review the report. He added that the Land Use Planning Committee had met twice and discussed general issues; the next meeting was scheduled for July 12, and the activities of the Committee would be included in his monthly report as well as periodic reports directly from the Committee to keep the Board abreast of their activities. He was still hoping the Committee could conclude its work in six to nine months. Comm. Patterson asked about siltation removal in Lake Ravenel. He said that someone would be removing that silt soon, but that there was not much interest in general silt removal.

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 Office was closed this week due to the installation and training for the new utility billing and accounting software, which was going well. He also reported that the pole audit had been completed by Paul Schmitt Architectural Design nearly three months ahead of schedule; the audit would be reviewed by staff in the next week or two. He had learned from the District Engineer that the "Town" portion of Bowery Road had been added to the State system as of the previous week; a decision on the allocation of Small Urban Funds would be made sometime after this month. He had also learned that paving of US-64 would begin in a week or two.

Finally, he and the Assistant Treasurer had met with the Town's auditing firm, Martin Starnes & Associates, on June 28 and reviewed the upcoming audit and GASB-34 standards; it appeared that the Town would be able to meet the new auditing requirements without a problem. He also distributed copies of a letter dated June 16 from the firm making certain inquiries of management, required under the new standards.

#### V. Old Business.

1. The Town Administrator reported that he had reviewed parking enforcement at the Old Edwards Inn projects, a condition of the permit issued at the previous meetings for use of Town right-of-way for construction. He reported that the meeting of the ad hoc Committee following the June 21 Special Board meeting had gone well, and that business owners had reported last week that the parking situation had greatly improved. Comm. James asked about the quantities of stone stored on Church Street. Bob Wright asked about fabrication of copper gutters at the east end of Church Street, beyond the area designated on the approved plan for use of the right-of-way.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED

TO APPROVE CONTINUATION OF THE PERMIT ISSUED AT THE PREVIOUS MEETING UNTIL JULY 21, AND IN THE MEANTIME TO DIRECT THE TOWN ADMINISTRATOR TO CHECK INTO THE FOREGOING ITEMS.

2. Nominations for the ABC Board and the Advisory Committee for the Scholarship Endowment Fund had been received from only one Board member; the item was deferred until the next meeting.

3. Comm. James had requested that the Board further discuss plans presented by Old Edwards Inn at the previous regular meeting for parking and traffic direction on Church Street; he felt that the Board should establish parameters for the street so that the plan presented at the next meeting would conform to what the Board wanted.

The Town Administrator reported that earlier in the day Planters Inc. had scheduled a meeting for Monday, July 12, at 10:00 a.m. to discuss plans for the street. The Board discussed the matter at some length. The consensus of the Board was that traffic direction on the street should remain one-way going east; angled parking should be provided on both sides; a sidewalk should be constructed no less than six feet and no more than seven feet in width; and planters conforming to the new Town standard should be installed on both sides.

Comm. James also felt that the property owners should be informed that, if the bank along the north side of the former Kelsey-Hutchinson property remains in place, a vertical wall should be provided that should be stepped such that no portion exceeds six feet in height; if the building on top of the bank was removed, then the bank should be cut back to the property line.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO FORWARD THESE PARAMETERS TO PLANTERS INC.

#### VI. New Business.

1. Each Board member had received a copy of a proposed amendment of the Zoning Ordinance recommended by the Planning Board in conjunction with a petition from Bascom-Louise Gallery for re-zoning the Crane property on Oak Street from R-2 to GI. Larry Gantenbein reviewed the Ordinance in some detail with the Board. The provision added "nonprofit visual art centers" as a Special Use in the GI district, and added a new Section 511 for such uses. The new section would require access from US-64 directly or widening of Oak Street, maintaining non-profit status or the Special Use Permit would be voided, limiting construction to 70% built-upon, and a minimum five-acre tract; the provisions would virtually prevent any other organization from operating on the property. Comm. Ross asked about inclusion of parking in the built-upon limit in Section 511.4(c), and it was agreed that the wording should be changed to "total built-upon should be limited to 70% of the total area of a parcel."

He also asked about the "small retain shops" in 511.4(d), and Larry Gantenbein agreed to draft language limiting such shops to those which are usual and customary for art galleries. Access to US-64 or widening of Oak Street was also discussed, required by 511.4(e); Comm. James felt it should be clear that that was the responsibility of the property owner, not the Town. The Town Administrator suggested changing the wording to "primary road access must be provided by the applicant" to clarify the point. Comm. Marsh felt that a sidewalk should be added along Oak Street; although not adopted as part of the Master Sidewalk Plan, he said it had originally been recommended by the Planning Board. Rather than amending the Master Sidewalk Plan, it was agreed that such a provision should be included in paragraph 511.4(e) by adding "pedestrian access" to "primary road access" so that a sidewalk would be required to the main entrance from the existing sidewalk along US-64. The Board agreed by consensus for the Town Planner to incorporate the foregoing revisions into the proposed amendment.

Comm. James asked Robert Tucker when the Gallery expected to receive the deed; Mr. Tucker said that was dependent on the zoning change.

He then provided a copy of a long range master plan, which had been presented to the Planning Board, which showed visually proposed plans for the property. Larry Gantenbein pointed out that under the

Ordinance, if zoned GI, the property could not be re-zoned again until one year had elapsed.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING FOR 7:00 P.M. ON AUGUST 4 TO RECEIVE COMMENTS FROM THE PUBLIC ON BOTH THE ZONING ORDINANCE AND THE ZONING MAP AMENDMENTS.

2. The Town Administrator reported that it appeared there would be between \$150,000 and \$190,000 remaining in the budget for the Hospital Water Line project, consisting of rock excavation, contingency, and other budget items not expended. An expected letter from McGill Associates providing detailed information and costs on some possible change orders related to the project had not been received by the time the meeting had begun. The Town Engineer said that relatively minor change orders had already been reviewed by McGill and the funding agencies and it would not be a problem adding them as quantity adjustments; these included "stub-outs" at the Cemetery and Heatherwood Lane for future development, and "tie-in" of the line at Sherwood Road in order to provide redundancy to the system. The more important question was a proposed line extension down Buck Creek Road, which could conceivably provide water to future areas of the Hospital and would also make a future extension to the County Ball Field easy to accomplish. Extension of the line down Buck Creek could cost in excess of \$120,000, and was technically feasible in terms of service pressure; it would, however, require DOT encroachment permits and approval from State agencies, as well as from the funding agencies, and it would be helpful to begin the approval process soon. Mr. Nix said that McGill had also determined that water of adequate pressure could be provided to the Ball Field from the Hospital through Chestnut Hill at some future time. Comm. Patterson commented that she was not certain such a project would be in the Town's best interest. After some additional discussion, it was agreed that the letter from McGill would be provided to each Board member when it had been received and this item would be placed on the agenda of the next meeting.

3. The Town Administrator reported that he had talked to County Manager Sam Greenwood earlier in the day and confirmed that Macon County had agreed to place \$450,000 into a capital reserve fund for infrastructure each year, beginning this year, for Highlands and Franklin. Mr. Greenwood had said that the criteria had not yet been established, but he believed the current thinking of the County Board was that the money was intended for infrastructure outside the municipal limits, as earlier reported by the Highlands District Commissioner. The Town Administrator recommended drafting a letter immediately requesting funding from the capital reserve fund for all three Town capital projects for FY 04-05: the Poplar Street Sewer Line, the Holt Knob Water Line, and the Wastewater Treatment Plant expansion; the latter project was estimated at \$3.9 million and ten percent of its capacity would go for treating sewage from Highlands-Cashiers Hospital outside of Town. The Board agreed for him to proceed with drafting the letter for review at the next meeting.

4. Comm. Marsh noted that three "temporary structures" had been recently approved in Town, and he thought the Board should decide if it wanted them at all, or wanted to provide guidelines for their approval; Comm. Ross agreed. Larry Gantenbein explained that the August Produce structure had recently been approved as a "temporary structure" by the Zoning Board. The structure was located so that it partially encroached into the rear setback area, but the Zoning Board had ruled that it would either have to be approved or the similar structure at Gates Nursery constructed several years ago would have to be removed; the principle cited had been equal application of the law. Comm. James said he did not agree with that reasoning; he felt the Zoning Board had made a mistake based on a previous mistake. Mr. Gantenbein said that, as he had noted at an earlier meeting, the Board could close the loophole by more closely defining "temporary structure," which was actually a misnomer. He pointed out that such structures would also be subject to Appearance Commission review.

MOVED BY COMM. ROSS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ASK THE TOWN PLANNER TO DRAFT LANGUAGE IN THE ZONING ORDINANCE TO CLARIFY THE DEFINITION OF SUCH STRUCTURES AND TO ENSURE REVIEW BY THE APPEARANCE COMMISSION.

MOVED BY COMM. MARSH, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO DECLARE A MORATORIUM ON THE CONSTRUCTION OF SUCH STRUCTURES PENDING ADOPTION OF SUCH AN AMENDMENT.

VII. MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO ADJOURN.

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

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Richard Betz, Town Clerk