

REGULAR BOARD MEETING of April 20, 2005, with Mayor Buck Trott and Commissioners Amy Patterson, Hank Ross, H. N. James, Alan Marsh, and Dennis DeWolf present.

Also present were Richard Betz, Bill Coward, Lamar Nix, Larry Gantenbein, Selwyn Chalker, Kim Lewicki, Jim Lewicki, Erin Brown, Candice Cunningham, Charles Simmerson, Mario Gomes, George Mathis, David Bock, Ralph Deville, Zeke Sossomon, Beth Hamm, Roger Plemmons, David Warth, 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 Town Administrator requested that a personnel matter be added to the Closed Session already scheduled.

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

III. Approval of Minutes.

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

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

IV. Reports.

1. The Mayor reported that he and the Town Administrator had attended a Chamber of Commerce retreat in Waynesville the previous day which had included a presentation of the Chamber's new marketing plan; he regretted that none of the Commissioners had attended.

2. The Town Administrator reported that the Finance Committee had met on April 14 to review applications from six non-profit organizations; the requests had totaled \$106,333, and the Committee had asked the Board to consider an amount it wanted to budget in FY 05-06 before making a recommendation on non-profits.  
MOVED BY COMM. MARSH, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO BUDGET \$50,000 FOR NON-PROFITS IN THE FY 05-06 BUDGET.

Comm. James noted that two of the applications had not been received until after the April 1 deadline.

The Town Administrator also reported that property/general liability insurance premiums would decrease several thousand dollars in the coming year and that health insurance premiums under the Blue Cross/Blue Shield plan would decrease 0.4%.

3. Each Board member had received a copy of a letter written to the County Commissioners formally requesting that water and sewer funding be placed on the agenda of their next meeting, as agreed at the previous meeting. No reply had been received to date; that meeting was scheduled for May 2.

V. Old Business.

1. Town Planner Larry Gantenbein had prepared a memorandum providing the legal context and procedure for amending the Zoning Ordinance to allow for conditional use zoning, pursuant to the discussion at the previous meeting and the petition for re-zoning from Bruce & Barbara Werder. In reply to a question from Comm.

Patterson, he explained in some detail how conditional use districts functioned, but he also reported that special enabling legislation would be required and the deadline for local bills had already passed.

Comm. James said he felt the Town should pursue special legislation.

As an interim solution, the Town Planner had also drafted a proposed amendment to Section 502.6 of the Zoning Ordinance; the amendment would incorporate the concerns expressed at the previous meeting--the need for sidewalks, elimination of a driveway off US-64, and a vegetative buffer--into the Ordinance so that it would apply to all multi-family development. Comm. Patterson noted that development on this property would still be visible from the north. Comm. James felt that sidewalks should be required regardless of the Master Sidewalk Plan. Comm. Ross felt that the same requirements could be extended to the Subdivision Ordinance.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO PURSUE SPECIAL ENABLING LEGISLATION TO PERMIT THE TOWN TO ADOPT CONDITIONAL USE ZONING.

Comm. Ross said he felt conditional use zoning would not only make possible this particular project, which he felt was a good one, but would also address frustrations the Board had faced with other petitions for re-zoning. In the meantime, he felt that the Board should adopt the amendments to Section 502.6.

MOVED BY COMM. ROSS, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO SEND THE PROPOSED AMENDMENT OF SECTION 502.6 TO THE PLANNING BOARD FOR A RECOMMENDATION, AND ALSO TO REQUEST THAT LANGUAGE BE DEVELOPED TO BETTER DEFINE "DENSE GREEN VEGETATIVE BUFFERS" ALONG ALL ROADS.

Comm. DeWolf expressed concerns over the visibility of up-slope development; he thought the Planning Board should discuss what was appropriate in terms of topography. Comm. Ross felt that colors should also be a consideration for multi-family development.

Charles Simmerson was present, representing the developer of the Werder property; he requested that a public hearing be scheduled now rather than upon receipt of the Planning Board recommendation so that there would not be as much delay in the project.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING FOR 7:00 P.M. ON MAY 18 TO RECEIVE COMMENTS ON AMENDING SECTION 502.6 OF THE ORDINANCE.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING FOR MAY 18, IMMEDIATELY FOLLOWING THE PRECEDING HEARING, TO RECEIVE COMMENTS ON A PETITION FOR RE-ZONING THE WERDER PROPERTY FROM R-2/B-4 TO R-3.

## VI. New Business.

1. Each Board member had received a copy of "An Ordinance Providing for the Repair, Closing, or Demolition of Abandoned Structures" prepared by the Town Attorney at the previous meeting. Bill Coward was present to discuss the Ordinance. Comms. Marsh and Ross agreed that some type of Ordinance was needed. Comm. Patterson pointed out that the Ordinance applied only to dwellings. Mr. Coward said that the Statute authorized a much more detailed Ordinance which could be extended to cover commercial buildings as well as dilapidated structures. Comm. James felt that it might open a can of worms to expand the Ordinance, and he did not feel the Board needed to regulate peeling paint; at the same time, he felt it did not address the problem of a partially-demolished building, such as the old Post Office Building on Fifth Street. Mr. Coward suggested that he meet with the Town Planner to discuss the possibility of amending the Zoning Ordinance to address that problem.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO TAKE THIS MATTER UNDER ADVISEMENT AND AUTHORIZE THE TOWN ATTORNEY AND TOWN PLANNER TO WORK TOGETHER ON THE PROBLEM OF COMMERCIAL

BUILDINGS BEING DEMOLISHED.

2. The Board discussed a memorandum distributed at the previous meeting outlining some suggestions that the Public Works Committee had made concerning mandatory sewer connections. The Town Administrator said that, with several sewer collection lines being planned upon completion of the Wastewater Treatment Plant expansion, the Committee felt that the Board should consider eliminating the current exemption from mandatory connection for homes with functioning septic systems. The Committee had discussed timetables for requiring homes to connect to both new sewer lines to be constructed in the future as well as existing sewer lines, and had differentiated between gravity and pressure connection fees. Comm. Ross said he felt the Town should know what it would cost before deciding this issue; other options, such as local sales tax and revenue bonds, might be available to finance sewer system extensions. The consensus of the Board was that the Committee was moving in the right direction.

3. The Board discussed an inequity which had recently come to light in a Public Works Committee meeting concerning utility charges for churches, as discussed at the previous meeting.

MOVED BY COMM. MARSH, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO CORRECT THE INEQUITY BY REQUIRING CHURCHES TO PAY ALL UTILITY FEES AT THE BUSINESS RATE, EFFECTIVE JULY 1, 2005.

4. The Recreation Committee had met on April 11 and discussed a County proposal to fund the Town's Recreation Department through a District Recreation Commission in the amount of \$500,000 per year, as outlined by Comm. Ricky Bryson. Recommendations had been drafted in the form of a letter from the Mayor circulated to each Board member, containing the Committee's questions and concerns about the proposal. The Town Attorney said he had discussed the proposal with LWCF Administrator John Poole and outlined problems that might occur if the Town ceded control to the County. Comm. DeWolf said that the Committee was not certain exactly what the details of the proposal were, but wanted to suggest some ideas in a positive way. Comm. Patterson agreed; the letter outlined potential problems, and recommended that the County provide funding while permitting the Town to retain ownership and responsibility for the Recreation Park, and also offered to expand its Recreation Committee to include the District I Commissioner and perhaps an at-large member.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND CARRIED TO SEND THE LETTER TO EACH COUNTY COMMISSIONER. Comms. Patterson, DeWolf, Ross, and James voted "aye;" Comm. Marsh voted "nay."

5. The Town Administrator reported that the lease with the Chamber of Commerce for the upper level of the Town Hall, which would expire in 2007, could be terminated by either party for any reason every twelve (12) months on July 1 upon sixty (60) days notice. He pointed out that the Town Office needed more space, and said that the matter had been discussed at the Chamber retreat the previous day and several members of the Chamber Board seemed open to the idea. Comm. Ross pointed out that long-range plans might take time to develop but the space was needed now.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO TERMINATE THE LEASE, BUT TO PERMIT THE CHAMBER OF COMMERCE TO REMAIN IN ITS PRESENT LOCATION AT THE SAME MONTHLY RENT THROUGH DECEMBER 31, 2005.

6. It had been suggested that the March 17 date for beginning to enforce the Parking Ordinance was too early in the season.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO CHANGE THE DATES FOR ENFORCEMENT OF THE PARKING ORDINANCE TO APRIL 15 THROUGH NOVEMBER 30 EACH YEAR.

7. Comm. Ross presented a drawing of the new Macon Savings Bank project, which included locating a gazebo within three feet of the

sidewalk of Pine Street instead of set back the required 25 feet; he said the new location would better use the space and would also better serve special events on Pine Street. The Town Planner suggested that the Zoning Ordinance could be amended, as it had been for the High School gymnasium, to accomplish this if the Board desired. Roger Plemmons was present and offered to deed the property to the Town, but the Town Attorney pointed out that that would not resolve the setback issue.

MOVED BY COMM. ROSS, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO REQUEST THAT THE PLANNING BOARD REVIEW AMENDMENT OF THE ZONING ORDINANCE TO EXEMPT GAZEBOS FROM THE SETBACK REQUIREMENTS WHEN USED FOR PUBLIC PURPOSES AND UPON APPROVAL OF THE BOARD OF COMMISSIONERS.

Kim Lewicki asked if there was a conflict of interest on the part of Comms. Ross and DeWolf since they were involved with the project. Comm. DeWolf said that most of his work on this project was pro bono at this point and there was no financial interest.

8. Ralph Deville was present, explained that he had a critical problem with his septic system, and requested permission to access the Town sewer at his expense. The Town Engineer said that he had discussed this with Mr. Deville and had recommended pumping to the line in First Street; an easement would be required to cross either the Tate property or the Citgo station property, but Mr. Deville had felt that requesting an easement would be intrusive. The alternative would be to install another pressure sewer line in the right-of-way of US-64, which would require Board approval and a D.O.T. encroachment permit. A second alternative would be to connect to a private 2" line which extended from La Cagnina Gallery (formerly the Smokehouse Restaurant) to a manhole in front of Reeves Hardware; that line had been installed before the current policy of prohibiting individual pressure sewer lines in the right-of-way.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO REFER THIS MATTER TO THE PUBLIC WORKS COMMITTEE.

The Public Works Committee scheduled a meeting for 8:30 a.m. on April 26.

9. The Town Administrator reported that, at the prompting of the Public Works Committee, an invoice had been sent to Macon County for a sewer connection to the County building at Zachary Field on Buck Creek Road; the sewer had been connected the previous summer. Water service was available from a water line which had been installed pursuant to a change order to the Hospital Water Line project, but had not yet been connected. Under the Town Fee Schedule, the sewer connection fee was \$7,000, the water connection fee was \$1,200, and the combined user fees would be \$94.00 monthly at the minimum charge. He said that County Comm. Ricky Bryson had requested that the charges be waived. Comm. Ross asked if Highlands School paid water and sewer charges, and was told that it did.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED THAT THE COUNTY BE PERMITTED TO CONNECT TO THE TOWN WATER AND SEWER LINES AT THE PREVAILING CONNECTION FEES AND USER FEES.

10. David Warth was present and explained that he had inadvertently encroached into the right-of-way of Second Street south of Spring Street at his office. His property line was located at his front steps, and he had placed rock boulders and a rock sidewalk in the right-of-way; he also presented a plan indicating landscape areas with low-profile vegetation which he proposed constructing in the right-of-way. He also said that he would be working with the Town Planner on stabilizing the banks along the perennial stream which ran through the property. It was pointed out that the Master Sidewalk Plan indicated a sidewalk along Spring Street adjoining this property, but since no new construction had been involved Mr. Warth would not be required to construct it under the Zoning Ordinance.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE ENCROACHMENT SUBJECT TO EXECUTION OF A

REVOCABLE LICENSE AGREEMENT WITH THE TOWN.

11. George Mathis was present from Old Edwards Inn to request permission to use the Main Street right-of-way to place large boulders and other construction materials in a garden area on their property. The work would necessitate removal and replacement of the handrail and would require six parking spaces, but would only occur in the morning Monday through Thursday on an intermittent basis.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO PERMIT USE OF THE RIGHT-OF-WAY AS OUTLINED BY OLD EDWARDS INN UNTIL MAY 4.

12. MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(5) TO DISCUSS ACQUISITION OF REAL PROPERTY, AND PURSUANT TO G. S. §143-318.11(A)(6) TO DISCUSS A PERSONNEL MATTER. All present left the room except the Clerk, the Recreation Director, the Town Attorney, and the Public Services Administrator.

- A. The Board discussed the acquisition of real property.
- B. The Public Services Administrator recommended transferring Tommy Carpenter from the Sanitation to the Street Department, at the same salary, as soon as a replacement could be found for the Sanitation Department.

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

13. MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO PURCHASE A PARCEL OF PROPERTY LOCATED ON FOREMAN ROAD ADJOINING THE RECREATION PARK FROM THE HOUSTON FAMILY AT A PRICE OF \$325,000, AND TO PURSUE A PARKS AND RECREATION TRUST FUND GRANT TO FUND ONE-HALF OF THE COST.

14. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO TRANSFER TOMMY CARPENTER TO THE STREET DEPARTMENT AT HIS CURRENT SALARY OF 9-3 (\$22,258) AS SOON AS A REPLACEMENT COULD BE FOUND FOR THE SANITATION DEPARTMENT.

VII. The Board agreed by consensus to adjourn.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:30 p.m.

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Richard Betz, Town Clerk