

PUBLIC HEARING and REGULAR BOARD MEETING of May 18, 2005, with Mayor Buck Trott and Commissioners Amy Patterson, H. N. James, Hank Ross, Alan Marsh, and Dennis DeWolf present.

Also present were Richard Betz, Lamar Nix, Larry Gantenbein, Jerry Cook, Candice Cunningham, Kim Lewicki, Ran Shaffner, Margaret Shaffner, Pat Taylor, Zeke Sossomon, Charles Simmerson, Rick Siegel, Steve Hamm, Beth Hamm, David Bock, Mario Gomes, George Mathis, George Siek, Debbie Putney, and others.

A. PUBLIC HEARING.

The Mayor called the public hearing to order at 7:00 p.m. and stated that the purpose was to receive comments from the public on a proposed amendment of the Zoning Ordinance and the Zoning Map, as follows:

1. Zoning Ordinance. Amendment of Section 502.6, Multi-family buildings, parcel size, land utilization, building height: Add provisions to require dense green vegetative buffer, construction of sidewalk, and limitation of driveway location on highways.

Steve Hamm was present and asked about the vegetative buffer. It was explained that Comm. Ross had been asked to meet with the Town Planner and develop a better definition of the buffer, that he would do so this week, and that the resulting definition would be reviewed by the Planning Board at its May 23 meeting; the item would be on the agenda of the next meeting June 1.

2. Zoning Map. Change the zoning designation of a 4.27-acre parcel on Hickory Street, North Fourth Street, and Chestnut Street, owned by Bruce & Barbara Werder, from R-2 Residential and B-4 Business to R-3 Residential.

Steve Hamm asked for a better explanation of what was planned for the property, and Charles Simmerson displayed and reviewed in some detail the conceptual plan presented at previous meetings.

Rick Siegel said that he would like to see the Board consider the petition positively. He thought it would be nice to have high-end residences within walking distance of Main Street; other uses might not be so desirable.

Margaret Shaffner expressed concern about the density for the proposed development; she could not understand why the property could not be used as R-2, which would permit nine residences rather than 18. She said that density was the very issue the Town had fought so hard at Shelby Place years ago. It was a very nice project, just too dense for the property; she wondered why the Town had to change the law for one person, and why they would be getting special treatment.

Steve Hamm said that he had lived on Hickory Street for 16 years in a historic house adjoining the property. He opposed the re-zoning because it would increase the value of the subject property but decrease the value of the three adjoining properties, all of which were too small for multi-family development. He was also concerned about traffic, which could impact special events on both Hickory and Chestnut Streets. In the past, the neighborhood had rallied against more traffic, such as when it had been proposed that 4½ Street be opened. He wondered what was in this for the Town; he did not think more tax base or sewer revenues were needed at the expense of high-density development in a low-density, historically residential area. He thought that the property should be re-zoned entirely to R-2, and said that a petition had been circulated to that effect.

Ran Shaffner said he was not sure how this fit into the Town Plan, and thought it might be spot zoning. The 1982 Land Use Plan had set this area aside as a residential area, and the new Land Use Plan apparently saw the Town moving toward single-family residential. He thought that if the Town was not following the Plan, but was instead

helping an individual sell property for more profit, it was not doing its duty.

Rick Siegel said he did not think the Town could remove the B-4 zoning without the consent of the property owner. He felt that if it was developed commercially, it might lead to the rest of the property being re-zoned commercial.

George Siek expressed concern over the impact of the 34 parking spaces required for the development proposed, none of which were shown on the conceptual plan.

Ran Shaffner said he understood some Town Board members felt there was some need for multi-family in a buffered area, but this proposal injured the area by intruding into it.

Beth Hamm said she lived adjacent to the property, and the idea of it being developed for 18 families adjacent to her office and bathroom, where there was now just woods, seemed personal. She realized people had the right to sell their property and use it for what they could, but she was concerned over the high density when the rest of the area was single-family, permitting 18 rather than nine homes. She said she would prefer residential zoning all the way to the highway. She then submitted a petition into the record, signed by 62 citizens, opposing the re-zoning.

There being no further comments, the Mayor closed the public hearing at 7:34 p.m.

B. REGULAR BOARD MEETING.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 7:35 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Town Administrator requested that setting of a budget hearing and request for a revocable license agreement by Old Edwards Inn for an encroachment on Church Street Alley be added to the agenda.

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

III. Approval of Minutes.

Copies of the minutes of the May 4 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that the State Historic Preservation Officer, Mary Pope Furr, had agreed to meet on Bowery Road at 1:00 p.m. on May 25 with D. O. T. officials and other interested members of the public.

He also reported that Police Chief Jerry Cook had turned in his retirement papers, effective June 1. Chief Cook then thanked the Board for allowing him to be the Chief of Police; he said it had been an honor and a privilege to serve Highlands, and he thanked the Board for putting up with him for 21 years. The Board and those present in the room gave Chief Cook a standing ovation.

2. The Town Administrator reported that Peter Jefferson had resigned from the Appearance Commission because he was moving from

Highlands; he asked the Board to include that vacancy when submitting nominations for various Boards and Committees scheduled for June 1.

He also reported that each Board member had been mailed the recommendations of the Land Use Planning Committee so that there would be ample time to review them before the joint meeting scheduled for 3:00 p.m. on June 1.

3. Each Board member had received a copy of the Police Department's written report for the month.

V. Old Business.

1. The Board had reviewed information distributed at the previous meeting on non-conforming buildings, and it discussed this matter again at some length. Comm. DeWolf said that he appreciated reviewing past history. He pointed out that when the Board created ordinances, they had an impact on many people, and non-conforming structure are being created every time new regulations are adopted. He thought it was idealistic to think that everyone would be brought into conformance. He said he was concerned about non-conforming buildings in the Town right-of-way, and felt that needed to be addressed. However, he thought individuals needed to be allowed to use their property even if it becomes non-conforming; he would hate to think that the ordinance would almost create condemnation.

Comm. Patterson said that structures taken down to their footings and re-built were entirely new buildings; if the goal was to apply the law equitably, the Town should at least try to get them to conform.

Comm. James agreed, as did Comm. Marsh. Comm. Ross thought that a better definition of "destroyed" was needed. Comm. Marsh thought the definition of "alterations and repairs" needed to be clarified.

Rick Siegel said that when somebody bought a building, the expectation was that it was there legally. He said he owned an old home, and if lightning hit it and it was destroyed, he felt he should be able to replace it as it stands. Larry Gantenbein said he had drafted an Ordinance that would address some of these concerns, but it had been rejected twice by the Planning Board. Comm. James suggested that a Special Use Permit be required on a case-by-case basis when non-conforming buildings were re-built.

After some additional discussion, the Mayor appointed Comms. James, DeWolf, and Ross to a Committee to review this matter.

VI. New Business.

1. It had been reported that the Planning Board would be reviewing the language of Section 502.6 at its May 23 meeting, and this item would be on the agenda of the June 1 meeting. Comm. James commented that he thought a more detailed conceptual plan should be submitted; driveways serving garages below the multi-family units on the Werder property, referred to in the earlier presentation by Charles Simmerson, would encroach in the buffer. Comm. Ross said he did not think driveways should be permitted in the buffer.

2. The petition for re-zoning the Werder property had also been placed on the agenda of the June 1 meeting. Comm. DeWolf asked about previous zoning for the property; the Town Administrator said that he remembered it had once been B-3, together with many properties along the main highways extending to the Town limits, had been down-zoned in 1990 to residential, and then had been zoned to B-4 when that district was created in the early 1990s.

3. Debbie Putney was present to request a 15-minute parking space on Fifth Street in front of the Highlander Newspaper building; reconstruction of that building had now been completed and it would be occupied in the next few days. She said the parking space was

needed because perhaps 25 to 30 people a day dropped off advertisements and copy and there was little parking in the area. Comm. James commented that any business in the area could make the same argument. The matter was referred to the Public Works Committee for review.

4. Each Board member had received a copy of the FY 05-06 Budget and Budget Message. The Town Administrator proceeded to review the Budget Message in some detail. Among the items discussed were the following:

- Review of capital projects for the year, consisting of the Wastewater Treatment Plant Expansion (\$5,148,710) and the Water Remediation & Preservation Project (\$500,000).
- \$500,000 in Recreation funding from Macon County, pursuant to an agreement that was being drafted; an additional \$80,000 toward the Holt Knob Water Project and \$50,000 in promised Recreation Department funding had not been included in the budget because it was possible these funds were frozen by the County Manager.
- Substantial increases in ad valorem property tax revenues and sales tax revenues.
- No ad valorem tax increase recommended.
- No utility rate increases recommended for electric, sewer, and garbage service. However, \$169,541 was being transferred from the General Fund to subsidize the Water Department, in addition to \$59,959 appropriated from fund balance; the Town Administrator recommended that the Board consider a rate increase this year or next year so that the fund could be operated as an Enterprise Fund, funded by water fees.
- The Finance Committee had made the following recommendations on applications for funding from non-profit organizations:

Organization	Amount of request	Recommended
Hudson Library	15,000 *	10,000
Peggy Crosby Center	20,000 *	15,000
Historical Society	22,000	10,000
Highlands Emergency Council	[Waive Utilities]	-
HCCDC	5,733	5,000
Instant Theatre Company	3,600	0
Bascom-Louise Gallery	40,000	10,000
TOTAL	106,333	50,000

- Other major expenditures, including funds for Town Hall renovations, an increase to \$150,000 for additional paving/sidewalks, the Houston Property at \$325,000, and a \$264,000 re-conductoring projects.
- No increase in insurance costs, as reported at previous meetings.
- A 3% cost of living allowance, plus individual salary increases to be reviewed at the June 1 meeting.
- Adequate fund balances in all funds.

Comm. Marsh asked if funds had been budgeted for changing out poles to make room for another cable TV company; he was told they had not been included in the budget presented, but that the re-conductoring project would involve some pole change-outs. Comm. Ross asked if funds had been included for the Town Ball Field, a cost of up to

\$115,000; they had not been included in the budget presented. It was agreed that the June 15 meeting would include a budget work session.

5. MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO SET A BUDGET HEARING FOR 8:00 A.M. ON JUNE 29, 2005.

6. The Town Administrator said that it had brought to his attention that stone wainscotting had been installed on the old Gem Shop building owned by Old Edwards Inn that appeared to encroach into the public right-of-way of Church Street Alley. George Mathis presented a survey and explained that he had thought the previous architect had addressed the problem; he apologized for the error. The stone wall encroached into the right-of-way by 5" according to the survey presented.

MOVED BY COMM. ROSS, SECONDED BY COMM. MARSH, AND CARRIED TO PERMIT THE ENCROACHMENT SUBJECT TO EXECUTION OF A REVOCABLE LICENSE AGREEMENT. Comms. Ross, Marsh, James, and DeWolf voted "aye;" Comm. Patterson voted "nay."

7. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(2) TO REVIEW THE RECOMMENDATIONS OF THE SCHOLARSHIP COMMITTEE, AND PURSUANT TO §143-318.11(A)(6) TO DISCUSS A POLICE PERSONNEL MATTER. All present left the room except the Clerk and the Police Chief.

- A. The Board reviewed the recommendations of the Scholarship Committee.
- B. The Board discussed the appointment of an Interim Police Chief with Police Chief Jerry Cook.
- C. The Police Chief and the Clerk were asked to leave the room at the request of Comm. Marsh, who discussed a personnel matter with the Board concerning himself.

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

13. MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO APPROVE THE RECOMMENDATIONS OF THE SCHOLARSHIP COMMITTEE.

14. MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO APPOINT WILLY HOUSTON INTERIM POLICE CHIEF AND TO ADVERTIZE FOR THE POSITION OF POLICE CHIEF.

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 9:45 p.m.

Richard Betz, Town Clerk