

SPECIAL MEETING of June 1, 2005, with Mayor Buck Trott and Commissioners Amy Patterson, Hank Ross, H. N. James, Alan Marsh, and Dennis DeWolf present.

Meeting jointly with the Board were members of the Planning Board John Cleaveland, Ginger Slaughter, Patrick Taylor, King Young, Doug Campbell, Griffin Bell, and Clem Patton. Also present were Geoffrey Willett, Larry Gantenbein, Richard Betz, Terry Potts, Erin Brown, David Bock, Katy Calloway, Matt Shuler, and others.

The Mayor welcomed those present and said that the purpose of the joint meeting was to review the draft recommendations of the Land Use Planning Committee. John Cleaveland, Chair of the Planning Board, briefly summarized the work of that Committee.

Geoffrey Willett then described the work of the Committee over 30 meetings since last June. He said they had reviewed the charge of the Town Board, the 1989 Land Use Plan, the structure of the Town's current ordinances, the population study, and much additional information, and had also met with Town and County officials and reviewed the history of Highlands over the past 50 years. A "SWOT" analysis had been made--strengths, weaknesses, opportunities, and threats--and the Committee had drawn the best conclusions it could for the information. He said the plan presented was a work plan, and did not commit the Board to enacting each recommendation. The Committee had requested input on the Land Use Plan draft from the Board at this time before proceeding with public meetings; after incorporation of public comments, a final document would be presented for the Board to adopt.

John Cleaveland then proceeded to go through all of the recommendations in great detail, including recommendations on residential areas, commercial areas, cultural and historic resources, natural environment, and plateau governance; the latter included a recommended three-step plan for developing "one local government" for the plateau, from extra-territorial jurisdiction to voluntary annexation to forced annexation.

Comm. Ross felt that it was important not to lose the momentum, and after some discussion the Board agreed by consensus to address the recommendations in the Plan on the second meeting in each month, beginning with the July 20 meeting.

The meeting was declared adjourned by the Mayor at 4:30 p.m.

Richard Betz, Town Clerk

* * *

PUBLIC HEARING and REGULAR BOARD MEETING of June 1, 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, Lamar Nix, Larry Gantenbein, Selwyn Chalker, Willy Houston, Kim Lewicki, Erin Brown, Adam Thompson, Bronce Pesterfield, Mario Gomes, George Mathis, Rick Siegel, Steve Hamm, Beth Hamm, Wolfgang Green, Phil Carlton, Randy Power, Charles Simmerson, 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 206.6, Setbacks, adding

the following sentence: "nor shall a setback be required for gazebos used for public purposes upon resolution of the Board of Commissioners of the Town of Highlands."

There were no comments from the public.

2. Zoning Map. Change the zoning designation of a 0.31-acre portion of the 3.31-acre "Kelsey-Hutchinson" tract on Church Street, owned by Old Edwards Hospitality Group, from B-3 Business to B-1 Business.

Mario Gomes, representing Old Edwards Inn, displayed a drawing of the proposed development on the Church Street property and responded to questions from those present. The buildings would be located at street level, and would include three storefronts and a three-bedroom cottage accessible from the upper portion of the property. Parking would be provided for the cottages on Church Street, but there would be no off-street parking required for the retail stores.

George Mathis said that the cottage on the upper level had already been approved, but the removal of the setback would permit straightening of the sidewalk and elimination of a retaining wall; he also said that four additional spaces would be created in front of the generator where an existing access apron was to be removed.

There being no further comments, the Mayor closed the public hearing at 7:06 p.m.

B. REGULAR BOARD MEETING.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 7:07 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Town Administrator requested that the Board review applications for employment in the Trimming, Sanitation, and Police departments in the closed session already scheduled, and that a requested 15-minute parking space for the Highlander Newspaper building be added to another parking space request under New Business.

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

III. Approval of Minutes.

Copies of the minutes of the May 18 Public Hearing and Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that approximately 25 people had attended a meeting on Bowery Road on May 25 with State officials from the Department of Transportation and the Department of Archives and History.

2. It was reported that the Public Works Committee had meet at 2:30 p.m. earlier in the day and reviewed requests for 15-minute parking spaces which were on the agenda under New Business.

3. The Mayor reported that the Town Attorney had attended the May 25 Bowery Road meeting.

4. 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.

5. Each Board member had received a copy of the Police Chief's written report for the month; Interim Police Chief Willy Houston was present to review the report.

6. Each Board member had received a copy of the Recreation Director's written report for the month; Selwyn Chalker was present to review the report. He also said that he had met with Comm. Ross and the Town Engineer to discuss improvements for the Ball Park; Comm. Ross said that budget figures for the proposed improvements would be presented later. Four additional staff for Recreation Camp were also submitted.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO APPROVE THE ADDITIONAL STAFF.

7. 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 briefly reviewed language that he, the Planning Board, and Comm. Ross had developed defining a "dense green buffer," which was on the agenda under New Business.

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

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

9. The Town Administrator reported that the bulk of the grant application for the Lake Remediation and Preservation Project had been submitted, and additional information was being provided.

He also reported that he had learned Highlands-Cashiers Hospital was still working on agreements with Highlands Falls Country Club and others to provide them with water once the new water line had been placed in service. The water line had been ready to place in service for several months, and agreements had still not been worked out; as a result, some \$450,000 in federal grant funds were being withheld until close-out of the project. Town Engineer Lamar Nix pointed out that warranties on the pump and other equipment were also running out. The Town Administrator recommended that the Board consider setting a deadline for placing the line in service and disconnecting the line to those other entities served by the Hospital water system; both State approval and the Town's contract with the Hospital prohibited those entities from being served by the Town.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO NOTIFY HIGHLANDS-CASHIERS HOSPITAL THAT THE TOWN WILL PLACE THIS LINE IN SERVICE AND DISCONNECT THE LINE TO THE OTHER ENTITIES SERVED BY THE HOSPITAL BY JUNE 15.

V. Old Business.

1. The Board discussed permits issued at previous meetings for use of Town right-of-way for construction activities by Old Edwards Inn and Wolfgang's on Main, which had expired on this date.

MOVED BY COMM. JAMES, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO APPROVE CONTINUATION OF THE PERMIT ISSUED AT THE PREVIOUS MEETING TO OLD EDWARDS INN FOR CONSTRUCTION ON CHURCH STREET UNTIL JULY 6.

It was noted that no permit had been obtained for construction by Old Edwards Inn on Church Street Alley and Fourth Street.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO APPROVE A PERMIT FOR OLD EDWARDS INN FOR CONSTRUCTION ON CHURCH

STREET ALLEY AND FOURTH STREET UNTIL JUNE 15.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO APPROVE CONTINUATION OF THE PERMIT ISSUED AT THE PREVIOUS MEETING TO WOLFGANG'S ON MAIN UNTIL JUNE 15.

VI. New Business.

1. Nominations for various Boards and Committees had been received at the beginning of the meeting but the Town Administrator had not had time to tabulate them; he agreed to provide this tabulation before the next meeting, and the item was deferred until then.

2. The Board discussed at great length language which had been drafted clarifying a "dense green 40-foot wide vegetative buffer" in the proposed amendment of Section 502.6, which added the buffer, sidewalks, and prohibition of driveway entrances on US-64 for multi-family development, subject of a public hearing on May 18. A long definition of the buffer and a list of native plants was distributed, but Town Planner Larry Gantenbein explained that it would not be completed until July; he also said that the Planning Board would also be discussing reducing the width of the buffer from 40 feet in width to 20 feet.

Beth Hamm was present and asked why the buffer could not be extended so that it would, in addition to adjoining roads, screen the development from adjoining properties. Comm. Ross asked if such language could be added tonight; the Town Administrator said he thought it could, since the legal ad had only stated that the amendment would be adding a buffer and had not been specific.

MOVED BY COMM. ROSS TO ADOPT THE AMENDMENT.

Bronce Pesterfield was present and objected to adoption of the amendment. Comm. Patterson said she thought the Board needed to think about this and get the definition right before proceeding. Comm. Ross said that he was in favor of a 40-foot buffer for this piece of property, but felt that in most cases a 20-foot buffer would be adequate. After additional discussion, Comm. Ross rescinded his motion, and the Board agreed to defer this matter until the July 6 meeting. Larry Gantenbein agreed to take the proposed language to the Planning Board later in the month for a final draft.

3. The Board discussed at great length a petition for re-zoning by Bruce & Barbara Werder, subject of a public hearing on May 18.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, TO DENY THE PETITION.

Comm. Ross asked why the motion was to deny when the language previously discussed was still being developed. Comm. Patterson said that was irrelevant to her decision; she felt the community did not want it and the neighborhood did not want it, and in fact had opposed opening 4½ Street because of the influx of traffic into a residential neighborhood. Comm. Ross felt it was a good development for this area; he pointed out that the next person could develop the property commercially, with no buffer, and asked whether the Town would rather see that type of development. He also said that it preserved the historic structure, leaving a large space around it; he did not see a better plan for this property. Comm. DeWolf agreed; while he had supported pursuing the idea of conditional use zoning, he felt the buffer was absolutely critical. Comm. James said it seemed like a good idea at first but nothing seemed to go right. Randy Power pointed out that the owners were going to sell the property to somebody; he said that if we ran this fellow off, the next guy could develop it commercially.

THE MAYOR CALLED THE QUESTION, AND THE MOTION TO DENY THE PETITION CARRIED; Comms. Patterson, James, and Marsh voted "aye," and Comms. Ross and DeWolf voted "nay."

Comm. James said he thought the Planning Board ought to look, within the context of the Land Use Plan, at re-zoning this entire property back to R-2 in order to make it more consistent with the neighborhood.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO REFER THIS QUESTION TO THE PLANNING BOARD FOR A RECOMMENDATION.

Comm. DeWolf made a motion, then rescinded it, to place a moratorium on multi-family construction for 180 days.

Bronce Pesterfield said that Old Edwards Inn had been looking at multi-family or single-family clustering as an alternative in order to create more green space.

4. The following proposed amendment of Section 206.6 of the Zoning Ordinance had been the subject of a public hearing immediately preceding the meeting:

| |
|--|
| Add the following sentence: "nor shall a setback be required for gazebos used for public purposes upon resolution of the Board of Commissioners of the Town of Highlands." |
|--|

MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO ADOPT THE PRECEDING AMENDMENT OF THE ZONING ORDINANCE, EFFECTIVE IMMEDIATELY.

5. The Board discussed at great length a petition for re-zoning from Old Edwards Inn for a 0.31 acre portion of property on Church Street.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, TO DENY THE PETITION.

Comm. Patterson said she felt B-2 zoning would accomplish the same thing for the property in terms of setback while still providing for parking; B-1 zoning would only place more stress on parking and density in the downtown area. She also thought it might set a precedent for other B-2 and B-3 properties. Comm. DeWolf said he liked the concept of the shops on street level, but was also concerned over the potential impact of 20 more vehicles in the downtown area; he felt that there was no reason parking could not be provided on the Kelsey-Hutchinson property. He also said he had asked for a master plan for the property but one not had been produced. Bronce Pesterfield said the plan submitted was the entire plan; the shops and the cottage were all that remained to be developed on the property.

Comm. DeWolf also pointed out that the Town had approved the re-combination of property on the "Dunfergot" corner in order to bring that building into compliance with the 1:1 ratio and also permit development along Church Street, which in effect had created a demand for more parking. Larry Gantenbein asked about access for the parking, which he said was the issue with which the Planning Board had struggled in recommending the re-zoning be approved. Comm. Patterson pointed out that parking could be provided in the rear, like at Falls on Main, and could serve employees. Comm. James wondered if the petitioners could live with B-2 zoning.

THE MAYOR CALLED THE QUESTION, AND THE MOTION TO DENY THE PETITION DID NOT CARRY; Comms. Patterson and DeWolf voted "aye," and Comms. James, Marsh, and Ross voted "nay."

Comm. James said that he would consider approving B-2 zoning; Comms. Patterson and DeWolf agreed. It was pointed out that the petition would have to re-advertized since the legal ad had specified B-1 zoning.

MOVED BY COMM. ROSS, SECONDED BY COMM. JAMES, AND CARRIED TO APPROVE THE PETITION FOR RE-ZONING TO B-1. Comms. Ross, James, and Marsh voted "aye," and Comms. Patterson and DeWolf voted "nay."

6. Katy Calloway was present and reported that the Upper Cullasaja Watershed Association had received a grant to monitor stormwater

from the downtown area on Fourth Street at Mill Creek. The data obtained would provide a baseline for improvement in water quality as specific projects were implemented in the future. She said a grant application had been submitted for funding for three projects in the future: the Performing Arts Center parking lot, the Bascom-Louise Gallery parking lot, and a project at Highlands School.

She also said that UCWA had funded a stream inventory for Mill Creek and Munger Creek, and would be distributing copies of the study when published. The Board did not object to the monitoring.

7. The Town Administrator reported that the filing period for the upcoming November 8 election would begin on July 1.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO SET FILING FEES AT \$10 FOR MAYOR AND \$5 FOR COMMISSIONER.

8. The Town Administrator reported that the following informal bids had been solicited and opened on May 31:

Stone and Sand:

Bids had been received from Bryson's Grading & Trucking and LBM Industries; Bryson's was the low bidder on every item. He recommended awarding the contract to the low bidder.

Fuel:

Only one bid had been received this year, from the Town's current supplier, Farmer's Market; the amount was same, 4% off the pump price. He recommended renewing the contract.

Tires:

Bids had been received from Nantahala Tire & Car Care, James Tire & Auto Service, and Goodyear Performance Tire & Auto; James Tire was the low bidder on the majority of tires. He recommended awarding the contract to the low bidder.

In addition, he recommended renewing the following contracts:

Cleaning of Civic Center Building:

Manuela Frias Tosca; the cost had increased due to required insurance, from \$270 to \$300 per week.

Cleaning of Town Hall:

Mobile Maids (Amy Dickerson); the cost was the same as last year.

Cleaning of Public Restrooms:

Stanfield Janitorial; the cost had increased due to required insurance, from \$1013 to \$1034 per month.

Preventive Maintenance at Highlands Civic Center:

Integrated Building Services; the cost was the same as in past years.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE FOREGOING CONTRACTS

9. The Board discussed requests for 15-minute parking spaces from the Pizza Place and the Highlander Newspaper, subject of a Public

Works Committee meeting earlier in the day.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO DENY BOTH REQUESTS.

10. MOVED BY COMM. MARSH, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(6) TO REVIEW APPLICATIONS FOR EMPLOYMENT IN THE POLICE, TRIMMING, AND SANITATION DEPARTMENTS, AND TO REVIEW INDIVIDUAL SALARY INCREASES FOR THE YEAR. All present left the room except the Clerk, the Interim Police Chief, and the Public Services Administrator.

- A. Interim Police Chief Willy Houston recommended employing Matt Reynolds and Clem Henry as auxiliary police officers, subject to verification of their certification; he then left the room.
- B. Public Services Administrator Lamar Nix recommended employing James Michael Hampton in the Trimming Crew and Jeffrey K. Sanders in the Sanitation Department. Tommy Carpenter had already been approved to transfer from the Sanitation to the Street Department when the Sanitation position was filled.
- C. The Town Administrator reviewed recommended longevity and merit increases for all Town employees. The Board agreed to study the recommendations until the next meeting, and in the meantime asked him to prepare a comparative review of Police Department salaries.

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

11. MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO EMPLOY MATT REYNOLDS AND CLEM HENRY AS AUXILIARY POLICE OFFICERS AT A SALARY OF 9-1 (\$21,186), CONTINGENT ON VERIFICATION OF CERTIFICATION FOR BOTH INDIVIDUALS BY THE INTERIM POLICE CHIEF.

12. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO EMPLOY JAMES MICHAEL HAMPTON IN THE TRIMMING CREW AT A SALARY OF 10-1 (\$22,258), AND TO EMPLOY JEFFREY K. SANDERS IN THE SANITATION DEPARTMENT AT A SALARY OF 9-1 (\$21,186).

VII. MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED 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.

Richard Betz, Town Clerk