

PUBLIC HEARING and REGULAR BOARD MEETING of July 6, 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, Adam Thompson, Clem Patton, Ran & Margaret Shaffner, Steve & Beth Hamm, King Young, Bill Staley, Zeke Sossomon, Wick Ashburn, David Bock, Jodie Lowe, William Clarke, Charles Simmerson, Jack Bournemann, Rick & Helene Siegel, Katy Calloway, Morris & Anita Williams, Steve Pierson, Eric Pierson, Bobby Gibson, John Underwood, Jim Mullen, Mike Bryson, Ray McPhail, Mercedes Heller, Wiley Ellis, Mike Crisp, Monica Calloway, Pat Allen, Karen Hawk, David Wilkes, Ginger Slaughter, and many 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 an application for a variance from the subdivision specifications for road grade for a proposed road in Brushy Face Subdivision, filed by George Schmitt for Brushy Face Partners. Town Planner Larry Gantenbein reported that the purpose of the variance was to permit the road to match the existing terrain. Town Engineer Lamar Nix said that the 14% grade required by Town specifications would require a considerable amount of blasting and widening of the construction area.

There were no comments from the public, and the Mayor closed the public hearing at 7:04 p.m.

B. REGULAR BOARD MEETING.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 7:05 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Town Administrator noted that he had omitted a report from the Land Stewards of the Highlands Plateau from the agenda, although information had been mailed with the agenda package; he also asked that the Board review an application for employment in the Sanitation Department in closed session. Comm. Ross requested that Item No. 3 under Old Business, review of language on vegetative buffer, be heard before Item No. 2, recommendation on re-zoning of the Werder Property. Comm. James reported that Nin Bond had asked that Highlands Cable Group's request for renewal of a cable TV franchise be deleted from the agenda.

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

III. Approval of Minutes.

Copies of the minutes of the June 15 Regular Board Meeting, the June 29 Budget Hearing, and the June 29 Special Meetings at 8:00 a.m. and at 7:00 p.m. 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. Comm. James reported that the Ad Hoc Committee appointed on May 18 to review the non-conforming building provision in the Zoning Ordinance had met the previous day; the Committee had made good

progress.

2. 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 said that the Wastewater Treatment Plant expansion and the Poplar Street Sewer projects were both underway.

The Town Administrator reported that Comm. Ross had suggested using a native plant seed mixture on the Poplar Street project rather than the grass mixture in the contract's specifications; the Town would provide the seed at an approximate cost of \$2000, and the contractor had agreed to do the seeding.

MOVED BY COMM. ROSS, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO APPROVE THE NATIVE PLANT MIX SEEDING FOR THIS PROJECT.

3. Each Board member had received a copy of the Police Chief's written report for the month; Bill Harrell was present to review the report. He said that he was humbled and honored to have been given the opportunity to serve as Chief of Police and serve those who lived here, and he looked forward to doing the job to the best of his ability.

4. 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 said that the Ball Park had suffered from the continuing rains and the softball season has been delayed. The Recreation Committee agreed to meet and discuss the timetable for the Ball Park improvements, which had been approved with the new budget.

5. 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 said that the Planning Board had recommended against a building proposed for the old Post Office property, both because it was not compatible with the area and it was not compatible with the B-2 district generally.

Comm. Ross asked about a permit that had been issued to Richard Boger for reconstruction of a boathouse on Lake Sequoyah; he wondered if the State needed to look at the project to see if it was consistent with recreational uses on the Lake. Mr. Gantenbein said that under the Lake Ordinance existing boat houses and docks were permitted to be reconstructed, but the materials were required to be untreated wood or other materials that would not affect the purity of the water.

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

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

7. The Town Administrator reported that there had been some interest in bidding on the handrail between the Town Hall and Maple Street; the project had been included in the FY 05-06 Budget. Mayor Trott pointed out that a section of handrail at the Highlands Playhouse had recently been damaged and also needed to be replaced.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO ADVERTISE FOR INFORMAL BIDS ON BOTH HANDRAILS.

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 on Church Street, which had expired on this date. The Mayor said that he had received complaints from the Presbyterian Church about Old Edwards Inn employees parking on Church Street on Sunday morning; he felt that they should be requested not to park there. Comm. James felt they should also be present to renew the request

the next time it expired.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO APPROVE CONTINUATION OF THE PERMIT UNTIL AUGUST 3.

2. The Board discussed at some length language which had been drafted concerning a required green vegetative buffer, as well as sidewalk and prohibition of driveway requirements, for multi-family developments. Each Board member had received a copy of a proposed amendment of Section 502.6, together with a proposed Appendix D, Buffers and Approved Buffer Materials; a public hearing had been held on May 18 and the Planning Board had reviewed the amendments.

Larry Gantenbein explained that the Planning Board had recommended a 20-foot buffer rather than the 40-foot buffer originally proposed. Comm. Ross felt that the buffer should be 40-feet in width.

MOVED BY COMM. ROSS, SECONDED BY COMM. MARSH, TO ADOPT THE PROPOSED AMENDMENT AND APPENDIX, CONTINGENT ON THE WIDTH BEING CHANGED TO 40-FEET.

Mr. Gantenbein further explained that the Planning Board had felt that a 40-foot buffer was overkill, that it was using a "cookie cutter" approach; it had felt that such a width was not practical, but that the Appearance Commission and Zoning Board should be given the latitude to require a wider buffer where needed on a case by case basis. Comm. Ross said that the amendment had been drafted as a "stop-gap" for the Werder property while conditional use zoning was being pursued, and on that property he felt that if the buffer was not 40-feet in width it was not a good project. Comm. Dewolf agreed; he disagreed that a 40-foot buffer would make it impractical for multi-family property to be developed, and he thought that the burden of proof should be on the developer to make a case for a variance if necessary.

THE MAYOR CALLED THE QUESTION AND THE MOTION CARRIED UNANIMOUSLY.

In reply to a question from the public, Mr. Gantenbein explained that the amendment would require such buffers to be maintained as a condition on the Special Use Permit. The amendment is as follows:

502.6 Parcel size, land utilization, building height

(E) The following requirements apply to multifamily zoned parcels situated along public streets and state roads in addition to other requirements that may apply:

(1) A green vegetative buffer with a minimum width of twenty (20) feet contiguous with public road rights-of-way and adjoining property lines must be perpetually maintained and preserved by a conservation easement, by a duly recorded "as built" site plan or by a restrictive deed covenant. Desirable landscaping with locally adapted and native plant material is permitted to increase the density of an existing buffer. The sufficiency and composition of the buffer shall be determined by the Appearance Commission on a project by project basis in accordance with Appendix D of this Ordinance and shall be included in the Special Use Permit as a special condition.

(2) When a new multifamily building is constructed, it shall be the responsibility of the property owner to construct the sidewalks designated on the Town of Highlands Master Sidewalk Plan that adjoin his/her property in conformance with the Master Sidewalk Plan and related ordinances.

(3) No driveways providing access to the property shall be located along the public streets or state roads unless permitted in writing by the Town of Highlands. Driveway access along state roads must also be permitted

in writing by the North Carolina Department of Transportation.

* * *

APPENDIX D: BUFFERS AND APPROVED BUFFER MATERIALS

A. Intent.

A buffer is intended to provide adequate separation and screening from adjoining uses to enhance the visual image of the Town and promote public health, welfare and safety by:

1. Reducing noise pollution, air pollution and artificial light glare within the Town.

2. Increasing compatibility between abutting land uses and public rights-of-way by providing screening and buffers.

B. Definitions.

1. *Buffer or Screen.* The use of vegetation, berms, walls, fences or some combination thereof to visibly separate a use of property from another adjacent use.

2. *Opaque Buffer.* Excludes all visual contact screened by the buffer between the site interior to the buffer and the abutting lands except that the lowest one (1) foot of height may allow visual contact. The opaque portion of a buffer shall be opaque year-round.

C. Buffers.

Buffer plans shall be reviewed by the Appearance Commission and included in the special use permit as special conditions. The screen or buffer may be achieved with existing vegetation, landscaped rock or stone walls, fences, landscaped earthen berms, hedges, new landscaping or a combination of the aforementioned materials that provide an effective visual barrier during all seasons. The following standards shall apply to specific types of screen or buffer materials:

1. Existing vegetation: additional new screening may be required by the special use permit if existing vegetation consists of dead, damaged or unhealthy species; or, consists of a type or quantity of vegetation that does not provide the density to achieve a year-round screen.

2. New plant types shall consist of a combination of deciduous, coniferous, and ornamental trees and shrubs at a density that provides a year round screen and buffer. Suitable plant types shall be selected from the list of approved materials included with this Appendix.

The buffer area shall be a mixture of various trees and shrubs, with a minimum width of twenty (20) feet or as required by this Ordinance. There shall be two (2) staggered rows of planting material placed five (5) feet on centers that are a minimum of six (6) feet in height when installed, and that are expected to achieve a height of eight to ten (8-10) feet within three years. Height is measured from the proposed average ground surface elevation immediately adjacent to the buffer. Landscaped earthen berms shall be constructed of clean, suitable native or borrow soil material. The finished slopes shall not exceed 1:3 (rise:run).

D. Maintenance

1. Buffers must be perpetually maintained and preserved by a conservation easement, by a duly recorded "as built" site plan or by a restrictive deed covenant. Buffers shall be maintained in a healthful and sound condition at all times to meet the criteria of this section. Maintenance of buffers is a continuing special condition of the special use permit.

2. Vegetation that exists within the designated buffer areas of the property when the special use permit is reviewed by the Appearance Commission shall not be removed unless the Appearance Commission finds that (1) the majority of the existing vegetation is comprised of dead, damaged or undesirable tree and vegetative species, or (2) the removal of some or all of the existing vegetation is required for the installation of utilities, trails or planned roadway improvements.

3. The Board then discussed at some length a report from the Planning Board on re-zoning the Werder property; that Board had recommended not re-zoning the property to R-2, but had instead reiterated its previous recommendation that the property be zoned R-3. The Town Administrator reported that a petition had been received late that afternoon signed by several individuals that said "I do not want the property on US-64 and Hickory Street (referred to as the Werder Property) approved for a Commercial Shopping Center. I feel Multi-family (keeping the majority of trees and green buffer area and retaining the Historic House) is a better idea for the well-being of the town." He also reported that he had received a letter from William Clarke, an attorney from Roberts & Stevens, requesting permission to address the Board. The Mayor said that this petition for re-zoning had been denied and he understood it could not be taken up again for 12 months. He asked the Town Attorney if a motion to reconsider would be in order. Bill Coward said he thought it would not be proper under the parliamentary rules of procedures by which the Board operated.

William Clarke was present and asked the Board to reconsider the issue, which he thought still seemed open. He also pointed out that the Board, by asking the Planning Board to consider R-2 zoning, had initiated action on the property within 12 months, which he felt was prohibited by the Ordinance. He felt that a motion to reconsider would be in order, and also felt that the project represented smart growth, a real opportunity for the buffers, sidewalks, and lack of entrances on the highway which it had requested. Comm. James said he did not think the 12-month limit applied to the Board of Commissioners. Bill Coward read the applicable portion of the Zoning Ordinance, which read, "In no instance shall action be initiated for a Zoning Amendment affecting the same parcel of property, or any part thereof, more often than once every twelve (12) months."

Comm. Ross said he would like to see how the Board felt; he wondered if they would consider re-zoning the B-4 portion only to R-3. He agreed that it was smart growth. Comm. Patterson disagreed; she said that the re-zoning would be increasing density, and there was no greater threat than jamming more people on the plateau, and by doing so affecting parking, water, and sewer. Highlands was finite, and increasing the number of people coming here degraded the quality of life; for that reason she was philosophically opposed. Comm. Ross agreed, but said he was looking at this particular piece of property; he thought the proposal was a much better use than a commercial use. Comm. Patterson said that she was looking at the entire Town, and she added that she felt R-2 zoning was a viable option for this property; B-4 had been intended to be a buffer, not to encroach into residential areas, and in this case it did not fit the definition of B-4.

Wick Ashburn was present and disagreed with the Town Attorney; he felt that any member of the Board could make a motion to rescind and requested that he poll the Board.

4. Mike Bryson was present and reported that he had acquired the necessary easement to connect the 14 lots in Sequoyah Woods Subdivision to the Town sewer on Hickory Hill Road; the lots all had septic tank approval, but he thought they would be better served by sewer and he wanted to be sure there were no objections before proceeding with design work. Comm. Patterson said she understood that there had been a recent change in State regulations which would indicate the Town might be responsible for maintenance of individual pump stations; the Town Engineer recommended that the Public Works Committee review this matter. There were no objections to Mr. Bryson's request.

5. The Town Administrator reported that the Advisory Committee for the Scholarship Endowment Fund had met and was organizing the fund-raising tournament this year at the Cullasaja Club. He reported that George Schmitt and Louise Demetriou had informed him that they would not be able to serve on the Committee, and the Committee had asked that Helen Simmons and David Cull be appointed to fill their unexpired terms.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPOINT HELEN SIMMONS AND DAVID CULL TO THE ADVISORY COMMITTEE FOR THE SCHOLARSHIP ENDOWMENT FUND TO FILL THE UNEXPIRED TERMS OF GEORGE SCHMITT AND LOUISE DEMETRIOU.

6. Mercedes Heller was present to discuss a report, which had been included in the agenda package, on progress that the Land Stewards of the Highlands Plateau had made on addressing the knotweed problem. She said that two bids had been obtained for spraying the areas identified with herbicide, and she requested the Town's assistance in selecting a bid and in obtaining permission from the D. O. T. for spraying on its rights-of-way. Funding from various sources was available.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED FOR THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ENGINEER TO PROVIDE WHATEVER ASSISTANCE WAS NEEDED.

VI. New Business.

1. The Board considered adoption of an Annexation Ordinance pursuant to petition for annexation by Thomas Eubanks and Gibson Investments LLC, subject of a public hearing on December 15, 2004. The Town Administrator explained that the sale had now closed on a small piece of the 15.08-acre property, as reported in previous meetings, that had been delaying final adoption of the annexation ordinance since the hearing several months ago.

Comm. Patterson reiterated her belief in the limits of the carrying capacity of the plateau; by providing water and sewer service to areas like this, she felt the Town was encouraging property to develop.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND CARRIED TO ADOPT THE ANNEXATION ORDINANCE FOR THOMAS EUBANKS AND GIBSON INVESTMENTS LLC, EFFECTIVE JULY 7, 2005. Comms. James, Marsh, and Ross voted "aye;" Comms. DeWolf and Patterson voted "nay."

2. The Town Administrator reported that, as he understood it, several property owners along the upper portion of Worley Road had retained a private contractor to pave the road adjoining their property; however, the contractor had erroneously paved the portion of this road which adjoined property owned by Wiley Ellis, Elizabeth Glass, and others. He understood that the property owners had requested that the Town reimburse them the cost of the paving so that they could pave the section they wanted paved. Not only did the portion that had been paved not require paving, but Mr. Ellis and Ms. Glass had written letters complaining of hazards due to the raised surface of the road.

Wiley Ellis was present and outlined the drainage problems and hazards to pedestrians due to the paving, which he said had raised the road as much as 17" above his steps, and 20-1/2" above his driveway, as well as damaging a retaining wall; he said it was a negligent and intentional act, and he distributed several photographs of the area.

He said the contractor had provided him with the name of his insurance carrier but he had not been contacted by them. He felt the contractor should remove the pavement to its original condition. The Town Engineer said that the situation was as Mr. Ellis had described it.

The Town Attorney agreed with Mr. Ellis's analysis, and offered to write a letter to the contractor asking that the paving be removed in order to relieve the Town of any liability.

3. Larry Gantenbein distributed copies of a final subdivision plat for Mill Creek Family Ltd. Partnership, which the Planning Board had recommended be approved. The property, located at the end of Mill Creek Lane, was zoned B-3 and was already developed, with four residences and infrastructure in place for some time; the subdivision simply divided it into four parcels instead of one. Lot size and setbacks complied with the clustering provision in the subdivision regulations, and lot width was not applicable. In addition, a recitation to be recorded on the plat said that the property could not be used for commercial purposes in the future.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE SUBDIVISION PLAT.

4. The Town Administrator reported that the North Carolina League of Municipalities Interlocal Risk Management Agency has rewritten the membership agreement and resolution for participating in the pool for workers compensation and for property/general liability insurance. Copies of proposed resolutions for each of the funds had been distributed with the agenda package.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO ADOPT BOTH RESOLUTIONS.

5. Comm. James felt that the rock structures installed by Warth Construction Company within the right-of-way of Second Street, approved by the Board subject to a revocable license agreement on April 20, created an obstruction by being located too close to the road; he felt Mr. Warth should have stayed six feet from the pavement.

The Town Administrator said that the structures had been installed pursuant to the plan submitted, but that under the revocable license agreement the Board could demand that they be removed at any time upon 30 days written notice; the agreement had already been recorded at the Register of Deeds office. Katy Calloway said that the rocks had been placed along the road at the creek because the pavement was being undermined; Comm. James said the main problem was farther up the road. Comm. Ross suggested that, in lieu of executing another agreement, Mr. Warth be contacted informally and asked if he would move the rocks.

MOVED BY COMM. JAMES, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO ASK WARTH CONSTRUCTION COMPANY TO MOVE THE ROCK OBSTRUCTIONS TO PERMIT A SIX FOOT CLEARANCE FROM THE EDGE OF THE PAVEMENT.

6. Comm. James had asked that discussion of a site for a proposed new Town Hall be placed on the agenda, but he suggested that this matter be deferred to a later meeting.

7. A petition had been received from Michael Crisp, Judith Edwards Crisp, and Mozelle Edwards, to re-zone a 4.423 acre parcel on Smallwood & South Fifth, the old Edwards house, from R-2 to R-3. David Bock displayed a conceptual plan for the property and said that the owners would propose constructing eight two-unit multi-family residences on the property; the two existing residences would be removed. He said that the 40-foot buffer approved earlier in the meeting would be installed, as well as storm water controls and the other requirements of the Ordinance. He said that the

property was an easy walk to Town and was surrounded by B-3 and B-2 commercial property.

Comm. DeWolf said that the plan looked fine, but he was waiting for the adoption of conditional use zoning before approving projects such as this. Larry Gantenbein said that he was pursuing conditional use zoning and was now looking into the possibility of adopting it without special legislation. Pat Allen pointed out that the \$14 million in tax revenues would be a positive benefit to the Town, and also said that the residents would walk to Town and thus not affect the parking problem; she felt Mr. Bock would do a good job on the development and hoped it would be approved. Monica Calloway said that the Crisps had been very careful about proceeding with development of the property. Comm. James said that he wished the Town was farther along in the Land Use Plan update process.

MOVED BY COMM. ROSS TO DENY THE PETITION. Mr. Crisp agreed to withdraw the petition before the Board voted on the matter.

8. Rick Siegel was present and said that there had been a lot of discussion by the Board about the opening of 4½ Street; he had heard the Board say that residents in the area did not want it opened because it did not want any traffic in the neighborhood. He said he wanted to make it clear that the main concern was with trucks from the rock quarry, Wilson Gas, and the Town Warehouse. He appreciated the Town continuing to keep the street closed, but hoped the Board would not think that the residents never wanted the road opened for residential purposes.

9. Comm. Marsh had asked that discussion of the moratorium on construction of non-conforming buildings on March 16, which had expired on June 14, be placed on the agenda, but he suggested that this matter be deferred to a later meeting due to the Committee still discussing this matter, as reported earlier in the meeting.

Comms. DeWolf, James, and Ross agreed to meet at 8:30 a.m. on Thursday, July 14, to further discuss non-conforming buildings. The Public Works Committee--Comms. James, Ross, and Marsh--agreed to meet on the same morning at 9:30 a.m. to discuss Worley Road and sewer policy.

10. Steve Pierson was present to request a road grade variance for a road he was constructing between the Hardscrabble and Sagee Woods subdivisions. According to a memorandum from the Town Engineer, the roadway and necessary utilities on this property had been installed and inspected, but Mr. Pierson had not yet applied for a subdivision; he recommended that the Town accept the six-inch waterline and underground electrical system for maintenance because both provided a much-needed "loop" to the existing system. The road grade, however, would for a distance of less than 200 feet be 15.2%; Town specifications called for a 14% grade.

MOVED BY COMM. JAMES, SECONDED BY COMM. DEWOLF, THAT THE TOWN ACCEPT THE UTILITIES AND APPROVE THE ROAD GRADE VARIANCE.

Comm. Patterson asked how the Board could grant a variance under the subdivision regulations if the property was not a subdivision; she wondered if this Board could bind some future Board at such time as Mr. Pierson decided to subdivide. Town Attorney Bill Coward agreed that it seemed like the cart was in front of the horse. The Town Administrator asked about the need for a public hearing under the new quasi-judicial procedure for variances. Larry Gantenbein said that he felt this was a discretionary decision of the Town Board, but he suggested referring it to the Planning Board as if it were a subdivision.

COMM. JAMES WITHDREW HIS MOTION; COMM. DEWOLF WITHDREW HIS SECOND.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO REFER THE VARIANCE TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION; CONSIDERATION OF ACCEPTANCE OF UTILITIES WOULD BE ACCEPTED WHEN APPROVED FOR A VARIANCE.

Town Attorney Bill Coward said that, although case law apparently now suggested that a public hearing and quasi-judicial procedure be followed for subdivision variances, the Subdivision Ordinance should be amended accordingly.

11. The Board considered an amended subdivision plat and an application for a variance from the subdivision specifications for road grade for a proposed road in Brushy Face Subdivision, filed by George Schmitt for Brushy Face Partners, subject of a public hearing immediately preceding the meeting. Larry Gantenbein said that the Planning Board had reviewed this matter and agreed that three lots, as proposed, be added to the plat, and also that the road grade variance be granted. However, the Board had rejected the proposed closing of a section of Road "A" which was to have been primary access for the subdivision, because it could delay emergency vehicles by requiring them to loop through the entire subdivision to access the lots. The Mayor noted that there was nobody present to speak in favor of the variance or amended subdivision plat.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO ACCEPT THE PLANNING BOARD'S RECOMMENDATIONS.

Comm. Patterson explained that she had opposed road width changes in the past, but not road grade variances; such changes caused less damage to property, and the Town's standards were also stricter than the State's. Comm. Ross said that he agreed with the Land Use Plan Update recommendation that the required width for subdivision roads be reviewed.

12. David Wilkes was present representing owners of Trillium Place. He asked the Board to go on record requesting that the D. O. T. increase the size of the culvert under Horse Cove Road, which he thought was inadequate in size; due to the development above Harris Lake, the restricted culvert might be causing flooding in Trillium Place. The Mayor reported that he had talked to the D. O. T. several times, most recently earlier in the same day, requesting that their engineer review the size of the culvert.

13. MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(6) TO REVIEW AN APPLICATION FOR EMPLOYMENT IN THE SANITATION DEPARTMENTS AND TO DISCUSS POLICE PERSONNEL MATTERS. All present left the room except the Clerk, the newly-appointed Police Chief, the Public Services Administrator, and the Recreation Director.

- A. Public Services Administrator Lamar Nix reported that Jeffrey Sanders had resigned; he recommended employing Jerry L. Rhinehart in the Sanitation Department at the beginning salary.
- B. The Town Administrator and newly-appointed Police Chief reviewed sick leave accrual policy for employees in the State retirement system, as well as Police personnel matters in general with the Board.

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

11. MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO EMPLOY JERRY L. RHINEHART IN THE SANITATION DEPARTMENT AT A SALARY OF 9-1 (\$21,820).

12. MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO REVIEW CHANGING THE PERSONNEL MANUAL TO CLARIFY TRANSFERRAL OF ACCRUED SICK LEAVE FOR EMPLOYEES IN THE STATE OF NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM.

VII. MOVED BY COMM. MARSH AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:45 p.m.

Richard Betz, Town Clerk