

REGULAR BOARD MEETING of September 7, 2005, with Mayor Buck Trott and Commissioners Amy Patterson, Hank Ross, H. N. James, Dennis DeWolf, and Alan Marsh present.

Also present were Richard Betz, Lamar Nix, Larry Gantenbein, Selwyn Chalker, Bill Harrell, Kim Lewicki, Jim LeWicki, Adam Thompson, Mario Gomes, George Mathis, David Bock, Charlie McDowell, John Schiffli Jr., Rick Siegel, Kelly Dendy, Beth Hamm, Edwin Poole, Frazier Jackson, and others.

I. Call to Order.

The Mayor called the Regular Board 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 the addition of two items of New Business: establishing a sewer connection fee for a new building at Chestnut Hill of Highlands, and discussing a storm water drain across Recreation Park property for the Boger property.

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 August 16 Emergency Meeting and the August 17 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. Public Comment Period.

The Mayor stated that this was the time for public comments pursuant to House Bill 635. No comments were made.

V. Reports.

1. The Mayor reported on the Model A Hill Climb scheduled for the coming weekend.

He also reported that the Town's grant application for the Lake Remediation and Preservation Project had been sent to Raleigh and would be in Washington by the end of the week.

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.

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 two used Jeep Cherokees had been received pursuant to the decision at the previous meeting and that four used Crown Victoria police cars were in the process of being acquired. He also reported that Macon County had agreed to pay for security equipment at the Police Station as well as equipment and retirement expenses for the new SRO position.

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 reported that the Greenway Committee had met the previous week and was making progress.

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 reported that legal notices for the October

12 ETJ hearing would be placed in the newspaper and the first class mail notices would be mailed by the end of the week. He also reported that, depending on the extent of the ETJ, proportionate representation would be required on the Planning Board and Zoning Board; the number of additional members could be three from Macon County and one from Jackson County. He also reported that officials from DENR had responded to a citizen complaint and inspected the erosion control on the Poplar Street Sewer project; they had given the Town kudos for exemplary soil erosion control.

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

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

7. The Town Administrator reported that the contractor had completed two applications of herbicide on knotweed as discussed in previous meetings; private funds should be received by the end of the month to cover the cost advanced by the Town. He also reported that the handrail between the Town Hall and Maple Street had been completed, and the twenty-five new trash cans for Main Street had been ordered.

VI. 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. Mario Gomes and George Mathis were present and requested that Church Street be closed due to installation of conduit on Monday through Thursday of the following week; the street would then be widened and black-topped, and the extent of use of right-of-way farther east along the street would be known.

MOVED BY COMM. MARSH, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO PERMIT CLOSING OF CHURCH STREET SEPTEMBER 12 THROUGH 15, AND TO CONSIDER USE OF THE RIGHT-OF-WAY AT THE NEXT MEETING.

2. The Town Administrator said that he had received replies from four Commissioners to the questions on non-conforming buildings distributed at the previous meeting and had talked to a fifth; he had drafted a proposed amendment to Section 110(B)(2) based on the consensus of the Board, which the Zoning Administrator had also reviewed. The Board agreed by consensus to review the draft and discuss it at the next meeting.

3. The Public Works Committee had met on September 6 and considered a request for a handicapped parking space and a 15-minute parking space from Main Street Pharmacy, and had also reviewed timed parking in the entire downtown area; the Committee had made the following recommendations:

- Add one 15-minute parking space in front of Main Street Pharmacy on East Main Street, pursuant to recent request, but deny request for handicapped parking space because of proximity to space at east end of street.
- Remove one 15-minute parking space in front of Old Edwards Inn's garden area on East Main Street.
- Remove two 15-minute parking spaces in front of the former Presbyterian Day Care on South Fifth Street.
- Remove one 15-minute parking space in front of the Stone Lantern on West Main Street.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO APPROVE THE RECOMMENDATIONS.

4. The Board discussed mandatory sewer connection policy at some

length. The Town Administrator encouraged the Board to make a decision on this issue before completion of the Poplar Street Sewer Project in order to clarify whether property owners would be required to connect despite functioning septic tanks. MOVED BY COMM. MARSH, SECONDED BY COMM. JAMES, TO APPROVE IN CONCEPT MANDATORY CONNECTIONS TO NEW SEWER LINES WITHIN ONE YEAR, AND TO PREPARE A DRAFT OF AN AMENDED SEWER CONNECTION ORDINANCE ACCORDINGLY. Comms. Patterson and DeWolf wondered why a distinction should be made between connecting to new lines and connecting to existing lines. After some discussion, the motion was withdrawn and the Public Works Committee agreed to meet on September 21 at 8:30 a.m. to further discuss this matter [date changed later in the meeting].

VII. New Business.

1. Charlie McDowell was present and described the construction of the old Post Office building on Fifth and Pine Streets; he felt that when the Pine Street Park was developed it would be better to drill weep holes in the floating slab and place dirt on top of it than to attempt to remove the slab.

He also said that the addition to Highland School had resulted in the diversion of stormwater and silt from behind the building onto his property on the other side of Pierson Drive, which he understood was in violation of State regulations. Town Engineer Lamar Nix explained that surface water was draining in the same direction as prior to construction, although grading had occurred and vegetation had been removed and thus the volume had changed. Town Planner Larry Gantenbein outlined the storm water management plans for the project in some detail; storm water from the parking lot would be channelled into a catch basin that would have to be cleaned on an annual basis.

He added that the School Board was exempt from State soil erosion regulations but had cooperated in installing the stormwater devices.

Comm. James said he felt the problem should improve now that the heavy rains earlier in the summer had come to an end. Mayor Trott agreed to encourage the School Board to maintain the catch basin.

2. The Board considered a request from Edwin Poole for an exception to the policy adopted on April 20 requiring that all churches pay utility fees at the commercial rate. Mr. Poole was present and said that the Highlands Group of Christian Scientists was a part-time church with only eight members meeting June through October, had no kitchen or need for garbage collection, and had only a small rest room; he felt that the \$700 to \$800 in additional utility charges annually would create a financial hardship, and he asked that an exception be made to the policy.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO DENY THE REQUEST.

3. Each Board member had received a copy of the preliminary subdivision plat for Tug Wa Ridge Subdivision, as approved by the Planning Board at its previous meeting and reviewed by the Town Engineer. David Bock was present and explained that the plan was essentially identical to that presented when this property was annexed on July 1, 2005; all lots would exceed one acre in area, electric utilities would be underground, and water and sewer lines meeting Town specifications would be installed in NC-106.

MOVED BY COMM. ROSS, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE THE PRELIMINARY PLAT.

4. Each Board member had received a copy of the final subdivision plat for Sequoyah Point Subdivision, as approved by the Planning at its previous meeting and reviewed by the Town Engineer. Larry Gantenbein reminded the Board that when the preliminary plat had been approved the Planning Board had recommended requiring a density of five lots, rather than six, and a maximum "built-upon" area of 16% of dry land; a road grade variance had also been granted, and an alternate T-type cul-de-sac had been approved at that time as well. John Schiffli Jr. was present and asked why the usual 80-foot

bulb-type cul-de-sac had not been approved; he was concerned that the access to Lot 3 was poor as a result of the cul-de-sac, and also said that a rock wall under construction would result in shifting the right-of-way. Lamar Nix reported that he had confirmed the adequacy of the cul-de-sac earlier in the day by having a Town garbage truck turn around; it had done so with no problem. After considerable conversation with Mr. Schiffli, the Board agreed that the plat complied with Town subdivision standards. However, Mr. Gantenbein was asked to investigate the rock wall which was apparently in the process of being constructed within the private right-of-way; such a wall could only be permitted upon resolution of the Board and issuance of a Zoning Certificate pursuant to Section 702.3(B) of the Zoning Ordinance.

MOVED BY COMM. ROSS, SECONDED BY COMM. DEWOLF, AND CARRIED TO APPROVE THE FINAL SUBDIVISION PLAT. Comms. Ross, DeWolf, and Patterson voted "aye," and Comms. James and Marsh voted "nay."

Mr. Schiffli asked Comm. Ross if he should have voted on this matter since he had participated in the early planning of the subdivision; Mr. Ross said his understanding was that he was required to vote on the matter.

5. The Town Administrator reported that Highlands Country Club had requested permission to place a communications antenna for its security service on the Upper Brushy Face Water Tank; it had previously been located there but had been removed some time ago. He said that the Town's telecommunications consultant had recommended the same annual rent as the Mick Henry and Rhodes Brothers antennas on this site, which was \$1158.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO APPROVE A LEASE FOR THIS ANTENNA.

6. The Town Administrator reported that the Recreation Committee had met with County Commissioners Chairman Allan Bryson earlier in the year and reviewed a draft of a Recreation Agreement, as discussed at the May 4 meeting; the agreement provided for a minimum of \$500,000 in funding each year for the Recreation Department over a 15-year term, and the Town would be obligated to coordinate scheduling and to mow Zachary Field. The agreement had apparently been approved at the August 1 County Commissioners meeting, but the copy received on August 19 was substantially different; it provided for "up to \$500,000" each year, an amount to be determined by the County Board, was in the form of a "memorandum of understanding" rather than a "contract and agreement," and obligated the Town to operate and maintain the Zachary Field facility "as if it were part of the Town's recreation facilities," except for the Health Department portion of the building. Comm. Patterson said that the Recreation Committee had met and discussed these concerns, as well as the ability of the County to give up operation of a facility funded by a PARTF grant; the costs were considerably more than had been originally discussed and budgeted, and might include another employee. Comm. DeWolf agreed; he said the memorandum was open-ended, and while the Town would be picking up obligations the County would be making no commitment to funding. Comm. James said he had been told only that \$500,000 would be provided and the Town would be obligated to coordinate scheduling of the field. The Town Administrator reported that, in good faith and expecting that the agreement would be approved, J & J Lawn Service had been mowing the field for the past two months at a cost of \$2300 each month. After some discussion, the Board agreed to send the agreement to the Town Attorney for his review, to ask the Recreation Director to check on PARTF obligations, and to have the Town Administrator schedule a meeting between the two Boards.

7. Town Engineer Lamar Nix reported that the Committee appointed to work on improvements to the Town Ball Field on Hickory Street had met several times and developed a two-part project. Part One consisted of a drainage system on Dennis Wilson's property adjoining the Ball Park to the east; Mr. Wilson had agreed to participate in this project on a 50/50 basis up to \$20,000, and two informal bids

had been received and opened earlier that day:

- Larry Rogers Construction Co.....\$16,497.82
- Wilson's Truck & Backhoe.....32,336.85

He then outlined plans for Part Two, which would consist of a series of drains across the field.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO AWARD THE CONTRACT ON PART ONE OF THE PROJECT TO LARRY ROGERS CONSTRUCTION CO. Comm. James commented that he had some reservations about his "aye" vote.

MOVED BY COMM. PATERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO AUTHORIZE ADVERTISEMENT FOR INFORMAL BIDS ON PART TWO OF THE PROJECT.

8. The Town Administrator reported that Chestnut Hill of Highlands had completed a 26-unit assisted living building, and the Town's fee schedule did not provide for a sewer connection for this type of facility. Dwelling units at Chestnut Hill in the past, including the 20-unit apartment building, had been assessed at \$5,000; however, this facility provided for a common dining area and more closely resembled a nursing home or hospital than dwelling units. He provided copies of a sample fee schedule from another city which provided for different connection fees for such facilities. Frazier Jackson was present representing Chestnut Hill and said that they would like to open the facility by the end of the month. The Board agreed for the Public Works Committee to review this request at the meeting already scheduled for September 21 at 8:30 a.m. [date changed later in the meeting]. In the meantime, the Town Administrator agreed to obtain sample fee schedules from other cities.

9. Comm. Ross outlined plans for stormwater drainage from the Richard Boger property on North Fourth Street, which would be piped into the storm drains in front of the Recreation Park property. In reviewing the plans presented, it appeared that the stormwater drains could be located within the right-of-way of North Fourth Street. Comm. James said that he had no problem with the request if it remained within the right-of-way; otherwise, LWCF approve would be required for crossing Recreation Park property.

10. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(6) TO DISCUSS EMPLOYMENT APPLICATIONS IN THE POLICE DEPARTMENT. All present left the room except the Clerk and the Police Chief.

Police Chief Bill Harrell reviewed applications for employment from Kelly Dendy for Patrol Officer, for Matt Pellicer and Thomas Parker for Police Auxiliary Officers, and from Kyra Doster for a part-time office assistant who would be working once every week or two.

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

11. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO EMPLOY KELLY DENDY AS A PATROL OFFICER AT A BEGINNING SALARY OF 11-1, TO BE INCREASED TO 11-2 UPON COMPLETION OF A 14-WEEK FIELD TRAINING PERIOD TO INCLUDE CERTIFICATION IN RADAR AND INTOXILYZER AND TO 11-3 UPON COMPLETION OF THE 12-MONTH PROBATIONARY PERIOD.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO EMPLOY MATT PELLICER AND THOMAS PARKER AS POLICE AUXILIARY OFFICERS AT A SALARY OF 9-1.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO EMPLOY KYRA DOSTER AS A PART-TIME OFFICE ASSISTANT AT THE HOURLY RATE OF 9-1.

12. Comm. James suggested that the Public Works Committee change the scheduled meeting date and time from 8:30 a.m. on September 21 to 8:30 a.m. on September 13; the Board agreed.

VIII. MOVED BY COMM. DEWOLF, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 10:00 p.m.

Richard Betz, Town Clerk