

REGULAR BOARD MEETING of September 21, 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, Kim Lewicki, Jim LeWicki, Adam Thompson, Mario Gomes, George Mathis, Bob Wright, Rick Siegel, Beth Hamm, 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 one item of New Business: resolution approving the Town's 2002 Local Water Supply Plan.

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 September 7 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 Upper Cullasaja Watershed Association would hold a meeting on September 28 at 6:00 p.m. featuring Dr. Bill Hint from NCSU, a specialist in stormwater management.

2. It was reported that the Public Works Committee had met on September 13 and discussed several items which were on the agenda under both Old and New Business.

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. George Mathis was present and explained that, except for a need to block the street for two days next week, work should be completed crossing the street by September 30, at which time the street would be surfaced with asphalt. Asked if he knew when the construction work on the new building on the south side of the street would be completed, he said that design had been completed but no contract had been awarded; he should know the construction schedule by November.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO PERMIT CLOSING OF CHURCH STREET AND TO EXTEND THE PERMIT UNTIL OCTOBER 5, AT WHICH TIME THE BOARD WILL REVIEW HOW MUCH OF THE RIGHT-OF-WAY WILL BE REQUIRED FOR CONSTRUCTION ACTIVITIES.

2. In a wide-ranging discussion, the Board discussed in great detail a proposed amendment of Section 110(B)(2), non-conforming buildings, distributed at the previous meeting.

Comm. DeWolf expressed concerns that the amendment would send a message to the Zoning Board that non-conforming buildings were "grandfathered," but that the Town did not want to accept them. He felt that many of these buildings created a sense of community and architecture to which newer buildings did not contribute as much.

He did not think that it was fair not to permit structural improvements to non-conforming buildings, and he also felt that the Town would face the same problem when it extended ETJ and "grandfathered" buildings in the ETJ areas.

Comm. Ross. agreed; he felt that non-conforming buildings contributed to the overall character of the Town, and not permitting them to stay would be changing that character. He also felt that the proposed amendment pushed enforcement from the Zoning Administrator to the Zoning Board.

Comm. Patterson felt that the intent of the Ordinance was not to permit repair of non-conforming buildings, but to prohibit someone from buying such a building, deliberately tearing it down to the foundation, and constructing something totally different on that same footprint.

Comms. James and Marsh felt that non-conforming buildings, whether destroyed by natural causes or deliberately torn down, should be made to conform to the Ordinance.

The Board agreed by consensus to request the Town Planner and the Town Administrator to, based on this discussion, re-draft the proposed amendment to (1) permit the reconstruction of a building if it is destroyed by natural causes, (2) permit major structural repairs, but (3) prohibit such a building from being deliberately taken down to its foundation and re-constructed on the same footprint without conforming to the Ordinance.

3. The Public Works Committee had met on September 13 to discuss sewer connection fees for assisted-living facilities; information on fees from other municipalities and information on the Chestnut Hill facilities had been reviewed. The Committee had agreed to recommend that the fee should be one-half the residential connection fee, doubled for facilities located outside of Town pursuant to the current fee schedule; the fee for the 26 units at Chestnut Hill would therefore be \$65,000.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO AMEND THE FEE SCHEDULE TO PROVIDE THAT SEWER CONNECTION FEES FOR ASSISTED LIVING FACILITIES BE ONE-HALF THE RESIDENTIAL CONNECTION FEE.

4. The Public Works Committee had also discussed mandatory sewer connection policy at its meeting. It had agreed to recommend that the Ordinance be amended to require connection from properties adjoining new sewer lines within 24 months, regardless of the condition of the septic system; during the first 12 months, it was recommended that the connection fee be one-half, and after that the full fee. The Board agreed by consensus for the Town Administrator to draft this amendment for review at the next meeting.

The Committee has also discussed connection to existing sewer lines but had not arrived at a consensus and had agreed to continue reviewing information. It had been reported that approximately 430 homes or businesses adjoining the existing sewer are not connected due to lack of a mandatory connection policy in the past; the Committee had agreed that this information should be categorized by type of main, force main or gravity. The Town Administrator had also agreed to discuss with the Macon County Health Department a better way of tracking septic tank repairs for homes adjoining the sewer.

VI. New Business.

1. It was reported that no bids had been received on Part Two of the Town Ball Field improvements projects.

MOVED BY COMM. ROSS, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO EXTEND THE BID DEADLINE TO NOON ON SEPTEMBER 28.

2. Comm. James had requested that the Board discuss the retaining

wall at the Highlands Community Child Development Center; he had been unable to find plans for the wall in the Town Office, but felt that it was close to the property line, and he was concerned that if the Town ever constructed a sidewalk on Church Street it would undermine the wall. Bob Wright was present and explained that the Master Sidewalk Plan had not included that section of Church Street when the facility had been constructed; the HCCDC had considered building a sidewalk but had decided not to because of cost, the need for another retaining wall, and the possible danger of a sidewalk crossing the driveway. He felt that a better solution would be a sidewalk on the north side of Church Street.

3. The Town Planner had drafted an amendment to the Zoning Ordinance, Section 209-A, defining the WS-II-BW Watershed Overlay Districts; it had been patterned after the current watershed sections and was based on the Watershed Protection Act. He suggested that the Board consider adopting the Ordinance at the same time as the ETJ Ordinance on October 19; that would enable the Town to enforce the Subdivision Ordinance and would establish minimum lot sizes based on the Watershed District.

MOVED BY COMM. ROSS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO SEND THE PROPOSED AMENDMENT TO THE PLANNING BOARD FOR REVIEW AND SET A PUBLIC HEARING FOR OCTOBER 12 IN CONJUNCTION WITH THE ETJ HEARING.

4. Comm. Marsh said that the Public Works Committee had also discussed the culvert under Main Street at Trillium Place at its previous meeting; he said that it was no longer large enough to handle a five- to six-inch rain, and he thought the D.O.T. should be asked to replace it. The Mayor thought that the Town should look at the entire area; opening the culvert might lead to more flooding on Laurel Street. Comm. Patterson agreed, and noted that Main Street had been flooded only three times in recent memory, whereas Laurel Street had often been flooded.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO WRITE A LETTER TO THE D.O.T. DIVISION ENGINEER REQUESTING THAT THE SITUATION BE REMEDIED.

5. Comm. Marsh said that the Public Works Committee had also discussed stormwater management at its previous meeting. Comm. Ross felt that the Town Planner and Town Engineer should look into drafting amendments of the Zoning and Subdivision Ordinance to require stormwater controls on site for new commercial development and also in subdivision roads, as well as possibly the entire subdivision as potentially developed; the Town Engineer commented that the latter would be difficult to draft. Comm. Ross also felt that the Town should consider a stormwater management plan, perhaps with assistance from UCWA. Bob Wright was present and offered the assistance of UCWA, commenting that grant money might be available at this point but would not be once Phase II Stormwater requirements went into effect. After some discussion it was agreed that the Public Works Committee should review these matters.

6. The Board again discussed disposal by the D.O.T. of dirt from the construction along Bowery Road. The Town Engineer said that, as he had stated at the previous meeting, the Town did not have any room for the material at the warehouse or on any other property.

7. The Board discussed the need for a sidewalk along Spring Street between the Kelsey-Hutchinson Lodge and the Rib Shack properties. The Zoning Administrator explained that requiring a sidewalk under the Master Sidewalk Plan was a Zoning Ordinance requirement enforced by the Zoning Board; the construction at Kelsey-Hutchinson thus far had been considered remodeling, not "new construction," and the Zoning Board had required a sidewalk only for the portion of that property in front of the new building on the south side of Church Street. Comms. Ross and Marsh felt that the Ordinance should be changed to require construction of a sidewalk for major remodeling as well. It was reported that Old Edwards Inn officials had indicated they might be interested in constructing such a sidewalk voluntarily,

and Comm. Patterson suggested that the Board delegate the Mayor and Comm. Ross to meet with them; the Board agreed by consensus.

8. Comm. James said that he did not agree that, as recently discussed, the intent of Section 709 of the Zoning Ordinance had been to prohibit the Town, as well as the petitioner, from initiating re-zoning of property more often than once every twelve months; the following proposed amendment had been drafted:

Add the highlighted words to Section 709, Amendments:

"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 **by the property owner.**"

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO SEND THE PROPOSED AMENDMENT TO THE PLANNING BOARD FOR REVIEW.

9. The Town Administrator reported that the Town's 2002 Local Water Supply Plan had been submitted to the N. C. Division of Water Resources as required on June 18, 2003, and approved on April 23, 2004; the Division had now requested that the Board adopt a resolution formally approving the Plan. Copies of the resolution had been distributed.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO ADOPT A RESOLUTION APPROVING THE PLAN.

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

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:00 p.m.

Richard Betz, Town Clerk