

REGULAR BOARD MEETING of April 18, 2007, with Mayor Don Mullen and Commissioners Alan Marsh, Amy Patterson, H. N. James, and Dennis DeWolf present; Comm. Hank Ross was out of Town attending a funeral.

Also present were Richard Betz, Lamar Nix, Bill Coward, Linsey Wisdom, Kim Lewicki, Jim Lewicki, Nin Bond, and Ted McGavran.

I. Call to Order.

The Mayor called the meeting to order at 7:00 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Clerk reported that Ted McGavran had requested being added to the agenda to present his report, and that the Board needed to consult with the Town Attorney in Closed Session on the County ETJ litigation.

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 April 4 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that the Finance Committee had met on April 17 to discuss the FY 07-08 budget, and that the Board had attended a retreat at The Mountain earlier on the same day.

2. The Town Administrator reported that the County Manager's office had asked about scheduling a joint dinner meeting the first or second week in June in Franklin; the Board agreed by consensus to schedule the meeting for Tuesday, June 5.

He also reported that Riverwalk had requested a second variance, for road grade, and that it be added to the May 2 public hearing and agenda already scheduled. John Barnhardt had also requested a road variance for a small subdivision off Valentine Lane for June 6. The Board agreed to set public hearings for both variances by consensus.

He also distributed copies of a letter from Mitch Gurganus dated April 5, and copies of a letter and proposed resolution in support of the Clean Water Bonds from the Rural Center; the Board agreed to review the latter and place on the agenda of the next meeting.

V. Old Business.

1. Nin Bond and Ted McGavran were present, and Mr. McGavran distributed copies of a pole attachment and general system review report that he had prepared pursuant to Board action of November 29, 2006. He reviewed the report in some detail, including recommendations to change the pole ordinance to a contract basis, changing the rental

values and rate structure, making attendees responsible for their actions, and doing a complete system inventory of poles and attachments. He also made several other electrical system recommendations. After some discussion, the Board agreed for the Public Works Committee to meet on Tuesday, May 1, at 8:30 a.m. to discuss the report in more detail.

2. The Board had reviewed three proposals for the Town Hall architectural study, accompanied by a memo from Comm. Dewolf evaluating the proposals. Comm. DeWolf said that he and Comm. Ross had recommended the firm of Sorin & Fisher for the project. Comm. James pointed out that a new Town Hall would cost millions; he did not mind the study, however, provided the Board stay out of the design process until it had been completed. The cost would be \$43,800 in the FY 07-08 budget.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ACCEPT THE PROPOSAL FROM MITCHEL SORIN AND JOHN FISHER. Comm. James said that he had reservations about voting for the proposal.

3. Copies of a proposed amendment of the Zoning and Subdivision Ordinance clarifying clustering had been distributed with the agenda package, but Comm. Patterson had not received it; the Board agreed to defer this item until the next meeting.

4. The Board again discussed the proposed amendment of the Zoning Ordinance on home occupations. Comms. Marsh and James reiterated their comments at the previous meeting that they thought it should apply only to the R-1-ETJ zoning district. The Board agreed by consensus to schedule a public hearing for June 6 to receive comments from the public.

5. The Board had agreed on December 6, 2006, to amend the noise ordinance to permit construction activities for soil erosion and related infrastructure work on Saturdays and Sundays, from 6:30 a.m. until 5:30 p.m., through March 31. After some discussion, it was agreed by consensus not to extend this suspension of the noise ordinance.

VI. New Business.

1. The Town Engineer had prepared estimates for this year's paving, consisting of Church Street Alley and Raoul Road. The Board agreed to advertise for paving bids for these streets.

2. Bill Nellis was present with revised plans for the picnic shelter at the public park on his subdivision on Harris Lake. He requested changing the original design to two smaller shelters and two benches, and he distributed photographs. The Board agreed to the change by consensus.

3. MOVED BY COMM. MARSH, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(3) TO CONSULT WITH THE TOWN ATTORNEY ON THE COUNTY ETJ LITIGATION. All present left the meeting room except the Town Administrator and the Town Attorney.

The Board discussed the aforesaid litigation with the Town Attorney and the legal ramifications of amending Section 2-67 of the Highlands Code.

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

4. MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, TO AMEND SECTION 2-67 OF THE HIGHLANDS CODE AS FOLLOWS. The motion carried, with Comms. Patterson, DeWolf, and James voting "aye" and Comm. Marsh voting "nay."

AMENDMENT OF SECTION 2-67 OF THE HIGHLANDS CODE

Delete paragraphs (b) and (c) of the aforesaid Section 2-67, and replace with the following paragraphs (b), (c), and (d):

(b) All members of the planning board appointed as representatives of any extra-territorial area, either for regular terms or to fill vacancies of any unexpired term, shall be appointed pursuant to N.C.G.S. 160A-362. The regular term for all members of the planning board shall be three years. Planning board members shall serve without compensation.

(c) Areas regulated by extraterritorial jurisdiction shall have proportional representation on the planning board and the zoning board of adjustment established by Section 601.1 of the Town Code. In compliance with N.C.G.S. 160A-362, which requires the Town to provide a "means of proportional representation based on population for residents of the extraterritorial area to be regulated," the Town shall proceed as follows:

(1) The Town shall determine the number of residential dwellings within the extraterritorial area to be regulated based upon Macon County's 911 emergency management data ("X") and the average number of residents per dwelling within the extraterritorial area to be regulated based upon the latest federal decennial census ("A").

(2) The Town shall determine the number of residential dwellings within the corporate limits of the Town based upon Macon County's 911 emergency management data ("Y") and the average number of residents per dwelling within the corporate limits of the Town based upon the latest federal decennial census ("B").

(3) The appropriate percentage of representation on the planning board and the zoning board shall be determined by the following formula: $XA/(XA + YB)$.

(4) The percentage thus determined shall be multiplied by the total number of members on each board to determine proportional representation respectively for each board.

(d) Members appointed as representatives of any extra-territorial area, either for regular terms or to fill the vacancies of any unexpired term, shall have equal rights, privileges, and duties with the other members of the board to which they are appointed, regardless of whether the matters at issue arise within the Town or within the extra-territorial area.

5. 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 CONSIDER APPLICATIONS FOR EMPLOYMENT.

The Board interviewed two candidates for the position of Planning Director.

THE BOARD AGREED BY CONSENSUS TO GO INTO OPEN SESSION.

6. THE BOARD AGREED BY CONSENSUS TO CALL A SPECIAL MEETING FOR 5:00 P.M. ON TUESDAY, MAY 1, TO INTERVIEW IN CLOSED SESSION TWO CANDIDATES FOR THE POSITION OF PLANNING DIRECTOR.

VII. THE BOARD AGREED BY CONSENSUS TO ADJOURN.

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

Richard Betz, Town Clerk