

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

Also present were Richard Betz, Josh Ward, Kim Lewicki, Jim Lewicki, Linsey Wisdom, Bruce Koehler, Bob Kieltyka, Robert Smith, Larry Rogers, David Wilkes, Sandra Baty, Gary & Wanda Drake, Marlene Alvarez, 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 Clerk asked that a Closed Session be added for personnel matters and discussion of acquisition of property.

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 July 11 Regular Board Meeting had been distributed by mail. An error was noted.

MOVED BY COMM. MARSH, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS CORRECTED.

IV. Reports.

1. The Mayor said that Katy Calloway had told him the Upper Cullasaja Watershed Association would be requesting a meeting soon to discuss their future. He also reported that he had asked Robert Smith to update the Board on the Recycling Task Force.
2. The Town Administrator said he and the Town Engineer had met with Forrest Westall, Mike Warsak, and J. P. Johns from McGill Engineering and discussed the Stormwater Master Plan on July 16. The engineers would be forwarding model language on ordinances, impact fees, and stormwater taxes, and would also be checking into possible funding for various stormwater projects.

V. Old Business.

1. David Wilkes was present and updated the Board on the ABC Board's continuing search for a new building, part of which he wished to discuss in Closed Session. He said that all funds were being placed in a capital fund for now and none were available for distribution. He asked the Board to consider how much it might be willing to contribute to a new building or lease; the existing lease expires on September 30, 2007. Comm. Patterson said that she thought the Town should consider extending the lease year to year.
2. Robert Smith gave a brief report on the Recycling Task Force and asked to meet with the Board in the near future. The Board agreed by consensus to schedule a Special Meeting for 7:00 p.m. on August 8 for that purpose.

VI. New Business.

1. Bob Kieltyka and Marlene Alvarez were present on behalf of the Highlands Chamber of Commerce to discuss a Culinary Weekend November 8-11, and to request closing of Pine Street between Pine Alley and Fifth Street from 3:00 p.m. until 12:00 midnight on Thursday, November 8, in conjunction with the event. At the same time, they were requesting permission to serve wine at the Pine Street Park and the closed section of Pine Street. They would also be requesting a permit from the Mayor for amplified music for a jazz band performing from 7:00 until 10:00 p.m. on opening night. The event would be tented, subject to approval of the Fire Marshall, and public transportation would be provided from the Civic Center, Highlands Plaza, and various inns.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO APPROVE THE CLOSING OF PINE STREET AS REQUESTED.

It was reported that Section 9-2 authorized the Board to allow consuming of wine on public property by special permit.

MOVED BY COMM. MARSH, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE BY SPECIAL PERMIT THE CONSUMING OF WINE ON PINE STREET FOR THE EVENT.

2. The Board again discussed in some detail Section 114 of the Zoning Ordinance, which prohibited the outdoor display of merchandise. Interim Town Planner Richard Betz outlined the problems he and Code Enforcement Officer Josh Ward were having enforcing the ordinance, which excluded "merchandise which is of such a nature that it ordinarily remains out of doors after business hours, such as produce, firewood, fertilizers, or garden plants." Several photographs of types of outdoor merchandise were displayed. Past interpretation had been that any merchandise kept outside after hours was excluded. Comm. Ross said that he thought such merchandise added color and interest to the Town; Comm. Patterson disagreed. Mr. Betz said that a consensus on interpreting the Ordinance was requested, but if the actual language was going to be amended it needed to be sent to the Planning Board and a public hearing set.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO ASK THE TOWN PLANNER AND THE CODE ENFORCEMENT OFFICER TO DRAFT AN AMENDMENT CLARIFYING THE PROVISION. The amendment would be discussed at the August 1 meeting before sending to the Planning Board.

3. MOVED BY COMM. MARSH, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G.S. §143-318.11(A)(5) TO DISCUSS THE ACQUISITION OF REAL PROPERTY AND PURSUANT TO G.S. §143-318.11(A)(6) TO DISCUSS PERSONNEL MATTERS. The Board adjourned to the adjoining meeting room with the Town Administrator, Larry Rogers, David Wilkes, and Sandra Baty.

A. The Board discussed the acquisition of real property with the ABC Board members; they then left the meeting room.

B. The Town Administrator reported that Recreation Director Selwyn Chalker recommended employing Cheryl English part-time as lifeguard.

C. The Town Administrator reported that the Public Services Administrator recommended transferring Mike Hampton from the Trimming Crew to the Sanitation Department at the same salary.

D. The Town Administrator and Mayor updated the Board on the search for a Planning Director.

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

4. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED

TO EMPLOY CHERYL ENGLISH PART-TIME AS A LIFEGUARD.

5. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO TRANSFER MIKE HAMPTON FROM THE TRIMMING CREW TO THE SANITATION DEPARTMENT AT 9-6 (\$26,192), HIS SAME SALARY.

VII. MOVED BY COMM. ROSS, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared by the Mayor to be adjourned at 8:30 p.m.

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Richard Betz, Town ClerkS