

REGULAR BOARD MEETING of August 1, 2007, with Mayor Don Mullen and Commissioners Alan Marsh, Amy Patterson, Hank Ross, H. N. James, and Dennis DeWolf present.

Also present were Richard Betz, Lamar Nix, Bill Harrell, Bill Coward, Josh Ward, Selwyn Chalker, Kim Lewicki, Jim Lewicki, John Dotson, Larry Brannan, Gary Drake, Bill Nellis, Cynthia Strain, Tanji Armor, Fred Jones, Katherine Willoughby, Debbie Grossman, Lloyd Wagner, and others.

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 Town Administrator noted several items of New Business to be removed, plus the addition of an application for employment in the Public Works Department and discussion of land acquisition in the closed session already scheduled.

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

III. Approval of Minutes.

Copies of the minutes of the July 18 Regular Board Meeting had been distributed by mail. They were approved by consensus.

IV. Public Comment Period.

The Mayor stated that this was the public comment period required by law.

Cynthia Strain was present and said that she had encountered some obstacles with her planned Labor Day arts and crafts fair; she had found that in order to use Pine Street Park for the event she would have to provide off-street parking, thus making use of the park for this purpose impossible. She asked for the Board to consider permitting her to use the park, or closing Oak Street Alley as she had for her previous show. Interim Planning Director Richard Betz confirmed that there was a problem with holding this type of event on Pine Street Park; he recommended that a Committee be formed to develop a policy for use of Pine Street Park so that it would be in place when it became Town property. Tanji Armor, Debbie Grossman, Katherine Willoughby, and the owner of Why Not Knit all spoke in favor of the event. Larry Brannan also spoke in support, but suggested restricting exhibitors to items made by the exhibitor. Lloyd Wagner also spoke in favor of the event and pointed out that it was a type of outdoor merchandising, an item which was to be discussed under Old Business; he urged the Board not to cripple merchants' ability to be creative and do business in Highlands by unwisely regulating outdoor display of merchandise.

V. Reports.

1. The Mayor reported that the League of Municipalities convention would be held October 12-14 this year, and he also reported that a breakfast meeting with Heath Shuler was scheduled for August 21; he encouraged Commissioners to attend.

He also suggested that the Board meet with architects Mitchel Sorin & John Fisher again to discuss the Town Hall

project; the Board agreed by consensus to schedule a special meeting for that purpose on August 22.

He also reported that the Special Meeting scheduled for August 8 had conflicted with the Zoning Board's regular monthly meeting, and he suggested cancelling it and placing the subject of the meeting - Robert Smith's report on recycling - on the agenda of the August 15 meeting; the Board agreed by consensus.

2. The Town Attorney was present but deferred his report to closed session items.

3. Each Board member had received a copy of the Town Engineer/ Public Service Administrator's report for the month; Lamar Nix was present to review the report.

The Mayor said that a sidewalk at the corner of Fourth and Main at the Texaco station had been discussed for some time, and he thought that the Town should proceed with it. The Town Engineer recommended a raised brick sidewalk at the intersection, depressed at the driveway entrances, and he said he had discussed it with the tenant.

**MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED FOR THE TOWN ENGINEER TO DESIGN A SIDEWALK FOR THIS LOCATION AND OBTAIN A COST ESTIMATE. He was also asked to discuss it with the property owner, Neville Bryson.**

4. Each Board member had received a copy of the Police Chief's report for the month; Chief Bill Harrell was present to review the report.

5. 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.

6. Each Board member had received a copy of the Interim Zoning Administrator's written report for the month, accompanied by minutes of the Planning Board minutes of June 9 and June 23.

7. Each Board member had received a copy of the Treasurer's Report for the month; it was reported that the audit was underway.

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

8. The Town Administrator reported that a prototype bench which Mountain Findings had offered to fund for the planters on Main Street had arrived and was in front of Town Hall for review. He also distributed copies of a letter from the Chamber of Commerce thanking the Board for approving the culinary event at the previous meeting.

## VI. Old Business.

1. The Board again discussed Section 114 of the Zoning Ordinance, Outdoor Display of Merchandise:

"It shall be unlawful for any commercial business to display goods, wares, or merchandise outside the building in which said business is conducted, except for 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; such merchandise shall in no way obstruct a public walkway required by the North Carolina State Building Code."

The Town Administrator had drafted an amendment for discussion deleting the words "is of such a nature that it ordinarily," so that merchandise which actually remained outdoors overnight would be exempted; he said this had been the interpretation for the past five years. Town Attorney Bill Coward suggested deleting the words "such as produce, firewood, fertilizers, or garden plants," which was unnecessary and could be confusing. Comm. DeWolf said he had no particular objection to outdoor merchandise provided it consisted of articles normally found outdoors and did not have price tags; otherwise he thought it added to the character of the community. Comm. Ross said he had no problem

with outdoor merchandise, including clothing; he had researched several other zoning ordinances and could not find another Town that prohibited outdoor display of merchandise on private portions of the sidewalk. The Mayor agreed. Comm. James felt that too much merchandise could make the Town look tacky; Comm. Patterson agreed. The Board agreed by consensus to send the issue to the Planning Board for input.

## VII. New Business.

1. The Board reviewed final subdivision plats for Phase I and Phase II of Riverwalk Subdivision. A memo dated July 17 from the Town Engineer confirmed that improvements had been installed, and the Planning Board had approved the plats at its previous meeting. Comm. Marsh described the proposed County Subdivision Ordinance and asked if a property owners association would be responsible for the roads; he was told that they would and that covenants would be recorded with the plats.

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

2. A petition for re-zoning had been received from Thomas E. Young Jr. for a 0.64-acre parcel adjoining TLC Realty and the Bascom-Louise Gallery on US-64W.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO SEND THE PETITION TO THE PLANNING BOARD FOR RECOMMENDATION.

3. Several bids had been received for surplus vehicles and equipment, as authorized at the July 11 meeting, and were opened and read as follows:

1997 Ford F-350 Dump truck:

- Mitchell Rice \$501.50
- Linda Nicholson 800.00
- Larry Shirley 1,500.00

1995 Ford F-350 diesel truck:

- Bill Hawkins \$3,000.00
- Mitchell Rice 4,101.50
- Linda Nicholson 1,100.00
- W. D. Chastain 6,250.00

1996 Ford F-750 Dump truck:

- Larry Shirley \$2,500.00
- Linda Nicholson 6,301.00

Ramsey Winch:

- C. E. Russell Inc. \$125.00
- Larry Shirley 200.00
- Wade Shope 201.25

5000-watt propane generator:

- Craig McCall \$140.00
- Mike Burrell 55.00

- Matt Shuler 209.00
- C. E. Russell Inc. 175.00

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO SELL THE ITEMS TO THE HIGH BIDDER.

4. The Police Chief reported that the Board had increased the fine for repeat violations of the Parking Ordinance on April 5, 2006, from \$50 to \$100; he had since discovered that a fine greater than \$50 was not consistent with State law, and he requested that it be rescinded.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO RESCIND THE APRIL 5, 2006 ACTION.

The Board also discussed taking repeat parking ticket violators to the Magistrate when they amounted to a substantial amount. Chief Harrell said he had been told the local Magistrate could not hear such cases in Highlands. The Town Attorney offered to investigate. Larry Brannan suggested that the Board consider posting "sticky tickets" on windshields.

5. The Police Chief had asked that the Board consider adopting one of the recommendations of the personnel study last year, permitting vacation carry-over and conversion to sick leave, as well as converting excess vacation to sick leave. The Town Administrator did not recommend changing the current policy, which encouraged employees to take their vacation time within a year, although he said that informally some leeway in carry-over had been provided in special circumstances; he felt that it was important for employees to use vacation time for rest. Comm. Marsh moved and Comm. Ross seconded to approve the change, but Comm. Patterson said she wanted more time to study the issue, and Comm. Marsh withdrew his motion.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO TABLE THIS MATTER.

6. The Mayor said that the discussion of a kiosk as part of the Town Hall conceptual plan had sparked interest in the need for a central location and coordination of all activities, and he thought that it was related to use of Pine Street park. Comm. Ross thought that the Chamber of Commerce should be involved in scheduling events; Comm. Patterson agreed that the Visitors Center should be the central disseminator of information and was not sure it was the Town's responsibility. Comm. James felt that we needed a policy for use of the park but wasn't sure we needed another Committee. After some discussion, the Board agreed by consensus to appoint Comm. Patterson and Comm. Ross to an ad hoc Committee to draft a policy for the use of Pine Street Park.

MOVED BY COMM. JAMES, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO PERMIT CYNTHIA STRAIN TO CLOSE OAK ALLEY BETWEEN FOURTH AND FIFTH STREET FOR HER UPCOMING EVENT WHILE THE POLICY IS BEING DRAFTED.

7. MOVED BY COMM. MARSH, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G.S. §143-318.11(A)(6) TO REVIEW APPLICATIONS FOR EMPLOYMENT, PURSUANT TO G.S. §143-318.11(A)(3) TO CONSULT WITH THE TOWN ATTORNEY, AND PURSUANT TO G.S. §143-318.11(A)(5) TO DISCUSS ACQUISITION OF REAL PROPERTY. Those present left the room except the Town Attorney, the Public Services Administrator, the Recreation Director, and the Town Administrator.

A. The Town discussed the acquisition of real property.

B. The Public Services Administrator reviewed an application for employment from Edgar A. Campbell Jr. for the Trimming Crew.

C. The Board consulted with the Town Attorney on the Riverwalk and ETJ litigation, and reviewed a letter he had prepared on property between Fifth Street and the Presbyterian Church, as requested by the Church at the March 21 meeting.

D. The Town Administrator and Mayor reported on interviews they had conducted with possible candidates for the Planning Director position.

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

8. MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO EMPLOY EDGAR A. CAMPBELL JR. IN THE TRIMMING DEPARTMENT AT 10-1 (\$24,323).

VIII. 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 9:05 p.m.

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Richard Betz, Town Clerk