

## **REGULAR MEETING OF THE TOWN BOARD OF COMMISSIONERS OF JUNE 1, 2011**

Town Board Present: Mayor David Wilkes, Vice Mayor John Dotson, Commissioner Larry Rogers, Commissioner Dennis DeWolf, Commissioner Gary Drake and Commissioner Amy Patterson.

Also Present: Town Manager Jim Fatland, Police Chief Bill Harrell, Interim Town Planner Mark Maxwell, Recreation Director Selwyn Chalker, Town Engineer Lamar Nix, Town Attorney William Coward and Recording Secretary Jane Capman.

### **Call to order**

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

#### **1. Public Comments**

Regarding the noise ordinance, Justine Reese and Rick Siegel commented on cut off times for ball games and other activities.

#### **2. Approve agenda**

As there were no changes or deletions to the Agenda, Commissioner Amy Patterson moved to approve the Agenda, which was seconded by Commissioner Gary Drake and the vote was unanimous.

#### **3. Approve Minutes of April 27, May 10 and May 18, 2011**

##### **Approve Minutes of April 27, 2011**

As there were no changes to the Minutes of April 27, 2011, Commissioner Gary Drake moved to approve the Minutes of April 27, 2011, which was seconded by Commissioner Dennis DeWolf and the vote was unanimous.

##### **Approve Minutes of May 10, 2011**

As there were no changes to the Minutes of May 10, 2011, Commissioner Amy Patterson moved to approve the Minutes of May 10, 2011, which was seconded by Commissioner Larry Rogers and the vote was unanimous.

##### **Approve Minutes of May 18, 2011**

As there were no changes to the Minutes of May 18, 2011, Commissioner Larry Rogers moved to approve the Minutes of May 18, 2011, which was seconded by Commissioner Amy Patterson and the vote was unanimous.

#### **4. Reports**

##### **A. Mayor**

Mayor Wilkes advised that he attended the Scholarship Awards Ceremony, earlier in the day, and thanked all who gave their support to the students.

**B. Commissioners and Committee Reports**

The Recreation Department discussed the recent voluntary recall of pool drain covers, which are not in compliance with the Virginia Graeme Baker Pool and Spa Safety Act. Recreation Director Selwyn Chalker advised that the drain in the wading pool is now closed and he is working on a remedy to the situation.

**C. Town Manager**

Town Manager Jim Fatland discussed the Information Fair and Main Street. Also discussed was the Finance Committee’s recommendations to set the gaming issue for a public hearing on June 15, 2011, the place the radio read meters on the June 15, 2011 Agenda to discuss proceeding with a loan to procure the same. Town Manager Fatland also discussed obtaining bank proposals for accepting debt cards at Town Hall and the fees associated with the same.

As to the budget, Town Manager Fatland set another workshop for June 8, 2011 prior to the public hearing set for June 15, 2011.

**5. Scholarship Awards**

The Town of Highlands Scholarship Committee had the opportunity to consider all of the applications, and rendered its recommendations. The Scholarship Committee recommended the amount of \$35,000.00 be awarded as scholarships in 2011 to the following individuals in the following amounts:

<b>Graduating High School Seniors</b>	<b>Special Scholarship</b>	<b>Amount</b>
Bates, Tucker Davis	Edith Joel Memorial Scholarship	\$1,500.00
Batty, Stephanie Paige		\$400.00
Buras, Taylor Marie		\$500.00
Cuevas, Karen Helena Reyes		\$400.00
Damian-Clemente, Ana Estefania		\$500.00
De La Cruz, Joshua Matias		\$400.00
Feria, Jose Martin		\$400.00
Fogle, Amy Elizabeth		\$1,000.00
Gordon, Elizabeth Robyn		\$400.00

Houser, Cody Scott		\$400.00
Houston, Spencer Edward		\$400.00
Juarez, Luigi Alexander		\$400.00
Kennedy, Benjamin Zephran		\$400.00
Lassiter, Clayton Roberts		\$475.00
McCall, Marlena D.	Jack Taylor Scholarship	\$1,500.00
Nix, Brigette Katherine		\$400.00
Potts, Danielle Nicole		\$400.00
Power, Sarah Elaine		\$500.00
Puchacz, Stephanie Denise		\$475.00
Reyes-Cuevas, Ana Monserrath		\$400.00
Reyes, Hugo Enrique		\$400.00
Rogers, Courtney Marie		\$500.00
Schiffli, Bevan Elizabeth		\$500.00
Shearl, Michael		\$400.00
Shelton, Valarie DeAnn		\$500.00
Strawn, Cord Brackston Craig		\$500.00
Taylor, Collin Ellis		\$400.00
Vanderbilt, Robert Troy		\$675.00
Watson, Justin Michael		\$400.00
Warner, Mary Whitten		\$500.00
Wheeler, Samuel David	Jack Brockway Scholarship	\$1,500.00
<b>College Applicants</b>	<b>Comments</b>	<b>Amount</b>
Bolt, James Mitchell		\$475.00
Brooks, Austin Ralph		\$400.00
Burton, Aaron Patrick		\$475.00
Chandler, Adam Adrian		\$475.00

Chambers, Kasey Ryan		\$400.00
Dryman, Jessica Renee		\$475.00
Grabe, Michael Arthur		\$475.00
Graham, Avee Leigh		\$500.00
Graham, Russell Joseph		\$400.00
Hall, James Harrison		\$400.00
Hedden, Alex Ransom		\$400.00
Herz, Erza Patrick		\$500.00
Hornsby, Carolyn Irene		\$475.00
Jenkins, Brice Thomas		\$500.00
Jenkins, Casey Michele		\$400.00
Jenkins, Chase Matthew		\$475.00
Johnson, Shelby Faye		\$600.00
Johnson, Susan Marie		\$400.00
Keener, Darin James		\$500.00
Lassiter, Kyle Henry		\$600.00
Lica, Alexandra Dawn		\$400.00
Lica, Michael A.		\$400.00
McClellan, Luke Garrison		\$700.00
McClellan, Matthew Wilson		\$475.00
Parks, Kate-Marie Bleeker		\$700.00
Parmelee, Amanda Henderson		\$475.00
Pierce, Katherine Virginia		\$600.00
Power, Rachel Chandler		\$400.00
Reese, Danielle Nicole		\$400.00
Rogers, Maggie Nicole		\$400.00
Schiffli, Olen Felix		\$400.00

Schmitt, Gabriella Marie		\$400.00
Schmitt, Toni Aline		\$400.00
Stinson, Loretta Taylor		\$500.00
Talley, Bobbi Jo		\$500.00
Taylor, Madison Chaise		\$600.00
Wilson, Leslie Diane		\$400.00
<b>TOTAL</b>		<b>\$35,000.00</b>

Vice Mayor John Dotson moved to approve the Scholarship Awards, which was seconded by Commissioner Gary Drake and the vote was unanimous.

**6. Report from Playhouse**

Ed Mawyer, Treasurer of the Highlands Community Theatre appeared before the Board and advised that the Playhouse is enjoying a bit of a Resurrection with the 2011 season. In addition to bringing back the successful production in "Always, Patsy Cline", other productions have been scheduled. Mr. Mawyer advised that the Playhouse will feature musicals, drama, comedy and a September cabaret series featuring both well-known performers and rising new talent. The Playhouse will be repeating the Children's Theater Classes with an expanded curriculum and professional instructors.

In an effort to better utilize the Playhouse on a four season basis, the Playhouse Board has solicited estimates to "winterize" the Playhouse with better heating in the fall and winter, better cooling in the summer and much improved ventilation throughout the year. After evaluation of the building, the Playhouse Board has determined that to "winterize" the Playhouse and be able to continue the professional theater and cabaret offerings throughout the holiday season, certain renovations are necessary.

Estimates were provided for the Town Board's review outlining the needed improvements in an effort to better utilize the facility; one to address the roof, its walls and substrate, which should dramatically reduce or eliminate the loss of heat in the fall/winter and to better ventilate in the summer months. The second estimate is to address the HVAC with a complete servicing, installation of new intake ducts and exhaust fans to expel the built up heat.

Once the roof and HVAC solutions are completed, Highlands will have a year round facility to better serve the community. In addition to sanctioned Highlands Playhouse events, the facility will be available to others for special functions or performances, in support of many community organizations. Other ideas for utilization are Internet streaming of Broadway Plays, Opera and other special, national performances.

The Playhouse Board is requesting \$20,000.00 including \$2,000.00 in reserve contingency funds, for building improvements.

Members of the Town Board discussed insulation of the building, exhaust fans and repairs made to the roof within the last ten years. Mr. Mawyer advised that the previous repairs made to the roof were merely patching. Commissioner Amy Patterson stated that \$20,000.00 did not seem sufficient for the repairs needed and inquired if it would really address the problems.

The Town Board ultimately decided to direct the Town Manager and staff to obtain additional estimates and bring them back for the Board's review and consideration. Mayor Wilkes advised that the matter should be looked at as a long range plan to take place over the prior of five or more years.

As this was merely a discussion item, no vote was taken.

## **7. Discussion of Noise Ordinance**

Police Chief Bill Harrell advised the Town Board that due to numerous complaints regarding noise and the inability to enforce the present Ordinance, the same was being redone and a draft was presented to the Board and public for review and comment.

Commissioner Larry Rogers advised that he did not feel that an updated ordinance was needed.

Commissioner Amy Patterson stated that the citizens of the Town of Highlands should be able to enjoy their neighborhoods and that the Town needs an ordinance that the police department can enforce.

In the definition section of the proposed ordinance, Commissioner Patterson discussed "evening" hours being changed to "overnight" hours and the addition of New Years Eve being added to "Holidays". Regarding the "Exemptions" section of the draft ordinance, Commissioner Patterson wanted clarification as to "sound or noise emanating from street fairs, festivals of celebrations conducted by or *with the Town*". Commissioner Patterson inquired that if "*with the Town*" meant that the event was "sanctioned by Town" and if it were a permitted event. Commissioner Patterson also discussed lawnmowers and agricultural equipment operating hours and inquired if that section was directed to lawn service companies. Interim Town Planner Mark Maxwell advised that it would apply to homeowners to which Commissioner Patterson stated that the words "non-commercial" should be added.

Vice Mayor John Dotson discussed decibel levels in the section titled "Noise Disturbance" and stated that the 100dB(A) as mentioned in that section seemed too high and that the figure should be lowered and invited all Board members to his office for a demonstration of what 100 dB would sound like. Richard Delany of Old Edwards Inn advised that the Board should be careful in putting a lower decibel level in the definition. Mayor Wilkes stated that the general consensus was 100dB(A) but that he was open to suggestions to a different figure being in the ordinance.

Commissioner Dennis DeWolf advised that he was in agreement with the updated draft of the noise ordinance as presented and thanked everyone for their hard work.

As to Section 8-17 entitled Permit to Exceed, a error was discovered in paragraph (a) in which the applications for a PTE shall be fully completed, on a form provided by the Town Manager... the word "Manager" was omitted. The Board also discussed the number of permits will be

permitted per year per person or group of persons. Town Attorney Coward advised that the total number of permits would be four (4).

The Board agreed that this matter will be placed on the June 15, 2011 agenda and directed Town Attorney William Coward to finalize the proposed ordinance with the comments made.

**8. Consider Appointment to Appearance Commission**

Sam Edgens of Edges Herzog Architects submitted an application for either his appointment to the Planning Board or Appearance Commission. There are presently no openings on the Planning Board.

As there was no discussion, Commissioner Dennis DeWolf moved to appoint Sam Edgens to the Appearance Commission, which was seconded by Commissioner Gary Drake and the vote was unanimous.

**9. Sand & Gravel Bids**

The Town of Highlands accepted informal bids on stone and sand for the period of July 1, 2011 through June 30, 2012. Bids were submitted by LBM Industries, Inc. and Ryan Bryson. Town Engineer Lamar Nix advised the Board that Ryan Bryson was the low bidder and recommended approval of his bid.

Commissioner Gary Drake moved to approve Ryan Bryson, as the low bidder for stone and sand for the period of July 1, 2011 through June 30, 2012, which was seconded by Commissioner Larry Rogers, and the vote was unanimous.

**10. Conditional Zoning for TRI Investment, Inc. at 780 Dillard Rd.**

TRI Investments, Inc. (Art Williams) owner of a .36 acre property containing an existing commercial building located at 782 Dillard Road, Highlands, NC is requesting a conditional zoning from the existing B-3 to R-3 CZ. The owner is proposing to convert the commercial building into a 9 unit apartment building and must have the property rezoned R-3 in order to accomplish this. Under the current zoning district B-3, multifamily units are not permitted.

It is recommended that the Town Board discuss this matter and make a decision whether or not to send the application to Planning Board for recommendation.

Commissioner Amy Patterson discussed "conditional zoning" giving examples of the same, advising that the proposed project does not meet what would be required in a R-3 zone, that it does not meet with the multi-family criteria and inquired if the proposed project would work even though the same foot print would be used.

Commissioner Gary Drake stated that presently the subject property is an "eyesore" and to let the Planning Board make the decision.

Richard Delany stated that he was trying to give the Town affordable housing.

After additional discussion, Commissioner Larry Rogers moved to send the Conditional Zoning

request for TRI Investment, Inc. at 780 Dillard Rd., Highlands, NC to the Planning Board, which was seconded by Commissioner Dennis DeWolf and the vote was unanimous.

**11. Set Public Hearing for June 15, 2011 for Proposed FY12 Budgets & Ordinance**

The Town Board moved to set the public hearing for the proposed FY12 Budgets and Ordinance for June 15, 2011.

**12. Adjourn**

Prior to adjournment, Vice Mayor John Dotson discussed with the Board the idea of moving the Town Board of Commissioners meetings to a different evening.

As there were no further matters to come before the Board of Commissioners, Vice Mayor John Dotson moved to adjourn, which was seconded by Commissioner Gary Drake and upon unanimous vote the Town Board adjourned at 8:59 p.m.

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James R. Fatland  
Town Manager

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Jane J. Capman  
Recording Secretary

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Mayor David Wilkes