

PUBLIC HEARING and REGULAR BOARD MEETING of January 22, 1997, with Mayor Pro Tem H. N. James, Mike McCall, Donnie Calloway, and Zeke Sossomon present.

Also present were Richard Betz, Lamar Nix, Sherman Runions, Neil Browder, and Shannon Baldwin.

A. Public Hearing - 6:45 p.m.

Mayor Pro Tem James called the public hearing to order at 6:45 p.m. and stated that the purpose was to receive comments on several proposed amendments of the Subdivision Regulations and the Zoning Ordinance. Both amendments had been reviewed by the Planning Board.

He asked the Clerk to summarize the amendments. The Clerk explained that the Subdivision Regulation amendments provided for certification of the installation of improvements by the subdivider's engineer, rather than the Town's engineer. Town Engineer Lamar Nix was present, and recommended adopting the amendments; he said that certifying work not under his direct supervision could cause problems, and he pointed out that the work would still be inspected by himself or other Town personnel.

The Clerk then explained that the Zoning Ordinance amendments changed the requirements for temporary "special sale" signs. Four such signs would be permitted each year, but the proposal would create a 30-day time period between signs and reduce the size from 32 SF to 16 SF.

The Fee Schedule would be amended to increase the fee from \$5.00 to \$10.00 per day, minimum of \$50.00.

Mayor Pro Tem James said that he questioned adopting this amendment, which would make it hard on local merchants, while continuing to permit temporary banners for "annual civic events and special holidays," especially for such organizations as the Macon County Art League.

Zoning Administrator Shannon Baldwin pointed out that it was sometimes difficult to define what "annual civic events and special holidays" meant. Mayor Pro Tem James suggested that perhaps the definition should be refined a little.

Mayor Pro Tem James then asked for comments from those present; there were no comments. He closed the hearing.

Mayor Pro Tem James then asked the Clerk about the status of the Little Bearpen Tank project. He pointed out that the Board had been informed at the previous meeting that some \$65,000 had been saved in rock excavation for this project, yet the Treasurer's Report indicated that over \$400,000 had been paid on the contract to date. The Clerk agreed to look into the discrepancy.

B. Regular Board Meeting - 7:00 p.m.

In addition to those present for the public hearing, the following were present: Selwyn Chalker, Jerry Cook, Derek Taylor, David Young, Georgia Allen, Ralph Morris, Ninian Bond, Charles Cooper, Lee Johnson, and others.

I. Mayor Pro Tem James called the meeting to order at 7:00 p.m.

II. The minutes of the December 4 Regular Board Meeting had been distributed by mail. The Clerk noted that Comm. James had pointed out an error on page 198 under Item No. 3; the motion approving the sewer line for Robert Barnes should have included the phrase, "provided that if the Town were to install a sewer line in the future, this property as well as other property served by the sewer line will be subject to assessments."

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS CORRECTED.

III. Reports.

1. The Clerk reported that the Mayor had received a copy of a letter from John H. Hankinson, Jr., Regional Administrator of the EPA, to Senator Jesse Helms, offering to reschedule a meeting with the Mayor to discuss the Town's Wastewater Treatment Plant.

2. Mayor Pro Tem James requested that the Utilities Committee meet next Wednesday, January 29, at 8:00 a.m., in the Clerk's office.

3. Victor Lofquist, representing W. K. Dickson Company, the Town's consulting engineers, was present; he distributed copies of a draft change order on the Water Treatment Plant contract with Langston Construction. He said that Items 1-12 of the change order had been presented in August, and Items 13-27 had been discussed at the December 4 meeting by Tinker Poteet; the total of those items represented \$3361.81. Items 28-29 had not yet been approved, and he had not obtained prices on them yet. The Board agreed to study the change order in detail before giving formal approval.

Mr. Lofquist also distributed copies of a change order on the Little Bearpen Water Line/Tank contract with Stillwell Enterprises; the change order provided for restraining gaskets on the pipe from US-64 to the new tank, an increase in size on the altitude valve, an addition of a dry hydrant, and additional underdrain. The total was \$6520.

He said that he was also reviewing adding a check valve to the Hickory Hill Sewer Line, and was awaiting a price on that from Stillwell.

Mr. Lofquist also clarified that the savings in rock, discussed at the end of the public hearing earlier in the meeting, were distributed over both Projects #1 and #2; he offered to break the item down by project. With the exception of the check valve for Stillwell, and the two items for Langston, he did not expect any more change orders on these contracts.

He said that calibration, chlorination, and disinfection had still not been completed at the Water Treatment Plant; he hoped it would be completed in the next couple of weeks.

4. Each Board member had received copies of letters dated January 3 and January 6 from Bill Coward. It was agreed that the matter of adopting time limits for construction projects would be placed on the agenda of the February 5 meeting for discussion.

5. Public Works Director Lamar Nix reported on routine maintenance in the Electric, Street, and Water departments. The water line installation on Sixth Street had been completed, and the Water Department had been inspecting the installation of the water line in Ravenel Ridge Subdivision. He also reported that he, the Clerk, and Comm. James had met on December 10 with Steve Eller and Bill Gibson of the Southwestern North Carolina Planning and Economic Development Commission, and discussed the possibility of funding for sanitary and storm sewers along Main Street and Fourth Street; the preliminary report was nearly complete. He also reported that he and the Clerk had met on December 19 with Norm Sloan and Roy Stamey of Haywood EMC to discuss working relationships between the company and the Town, and the possibility of providing the Town power, safety training, and/or engineering advise. He felt the meeting had been a positive one, and reported that a follow-up meeting was scheduled for Friday, January 24. The Highlands School sewer line project was about halfway complete, and he expected completion within two to three weeks depending on the weather. Finally, he reported that James Keener had officially retired as Water Plant Supervisor. Wade Wilson was now the ORC at the Plant, and the Board needed to consider officially making him the Plant Supervisor. He reported that Jim Mull had been working at the plant for two weeks, and was doing an excellent job; Mr. Mull had a "C" Certificate as a Water Plant Operator.

6. Police Chief Jerry Cook reported that he would give a complete report at the next meeting, including year-end data.

7. Recreation Director Selwyn Chalker reported that the basketball

program and the clinic on Saturday mornings were both going well. He said that the Save Our Student program for at-risk students at Highlands School was underway, serving about 15 7th and 8th graders; his Department would do its best to support the program. He understood that funding for the picnic shelter was being discussed with the architects by the Mayor. He also reported that an individual who wished to remain anonymous had donated \$4000 toward the purchase of a new gas stove and freezer for the Civic Center kitchen, subject to Board approval. The steel doors in the gym were being fabricated by Alan Shaw Company and would be installed soon. The furnace and hot water heaters had not been working well for some time, and he had been discussing alternatives with Building Management and Controls; they had suggested replacing the fuel oil burner, and had agreed to provide a price. Finally, he said that two or three members of the Satolah Fire Department had requested permission to use the fitness equipment, which is available to members of the Highlands Fire Department without charge; Comms. Calloway and McCall noted that this Department had provided the Town with mutual assistance in the past, and the Board did not object.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE PURCHASE OF THE STOVE AND FREEZER FROM FUNDS DONATED FOR THIS PURPOSE.

8. Zoning Administrator Shannon Baldwin was present, and distributed copies of his written report for the month of December. He said that the Zoning Board had inquired about time limits for construction projects, which he now understood would be discussed at the next meeting. The Planning Board was still working on a definition of "greenhouse," and hoped to have something to present to the Board soon. The Land Use Planning Committee had met yesterday, and had nearly completed the survey; he hoped to be able to present it to the Board at the February 5 meeting. The Board requested that the survey be mailed out with the agenda package if it was ready in time.

9. Each Board member had received a copy of the Treasurer's Report for the month of December with the agenda package. Mayor Pro Tem James and Comm. Sossomon noted that the report did not make clear the total costs of the capital projects; they felt that, in future, a separate capital projects budget should be maintained.

IV. Old Business.

1. Each Board member had received a copy of a letter from Bill Coward dated January 6 concerning the responsibility to construct a sidewalk at Highlands Plaza to the U. S. Post Office; he had been asked at the December 4 meeting to review the Town's authority to enforce this provision of the Zoning Ordinance. The letter recommended writing a letter to the owners of Highlands Plaza "demanding construction of the sidewalk, as required by the Master [Sidewalk] Plan. In the event the demand is not met, action should be taken to enforce the Ordinance."

MOVED BY COMM. MCCALL, SECONDED BY COMM. CALLOWAY, AND CARRIED TO REQUEST THE TOWN ATTORNEY TO DRAFT SUCH A LETTER ON BEHALF OF THE TOWN. Comms. McCall, Calloway, and James voted "aye;" Comm. Sossomon abstained.

2. The Board had taken under advisement a request at the December 4 meeting by Kathie Finley to hold a crafts fair at the Highlands Civic Center on the Friday and Saturday after Thanksgiving next year. Derek Taylor had been asked to check with merchants in Town to see how they felt about the show. Mr. Taylor was present and stated that, although the Highlands Chamber of Commerce did not have an official position on the request, he had polled retailers informally; they seemed to be opposed to the request. He also pointed out that the Chamber has a policy on not permitting retail events at the Highlands Conference Center. Comm. James pointed out that the existing policy, which had been in effect since 1985, had worked well. Selwyn Chalker reported that, although the Recreation

Department had sponsored some "commercial" events in the past, such as wrestling, they had not been in competition with anybody in Town.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO DENY THE REQUEST.

3. Each Board member had received with the agenda package a copy of a letter from David Young dated January 8, concerning a request brought to the Board by his father on December 4 for permission to construct a roof overhang on his building under construction on Oak Street; the overhang would encroach approximately three feet on the right-of-way of that street. Mr. Young was present, and explained that he had been notified by Shannon Baldwin in September that the encroachment would be in violation of the Zoning Ordinance; he had designed and ordered the steel, however, realizing that it might need to be removed. He then reviewed the points in his letter. He explained that although an awning, which was permitted by the Ordinance, would work, a roof extension would more effectively drain the large area of the roof of snow and rain load; typically, an awning was decorative, and not designed for snow and rain loads. The encroachment would also provide protection for pedestrians. He pointed out that the mansard roof approved on his building across Main Street, which had been constructed before the Code had changed, effectively handled the snow load and protected the sidewalk; he provided photographs and drawings of that building. He added that he was willing to enter into an encroachment agreement, and that the overhang would be removed within 30 days without question if requested by the Town.

Comm. Calloway asked if the roof overhang had been part of the original encroachment agreement for the retaining wall footing. Mr. Young said that it had not, that he had not yet planned the roof at that time. He also pointed out that the Town had constructed a sidewalk on a kneewall located on his property on Main Street. Mayor Pro Tem James pointed out that it would be easier to decide now whether or not it would be in the way, rather than after the building was completed. Mr. Young agreed, but felt that it would not be in the way, and would provide a useful cover for pedestrians.

Comm. Calloway said that he had stood pretty firm on cleaning up encroachments on Town streets in the past; he did not want to start giving in now.

The Board declined to take action.

V. New Business.

1. Each Board member had received copies of the Highlands Fire and Rescue Department's Annual Report for 1996.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE REPORT.

2. The Board again discussed the proposed amendments to the Subdivision Regulations, Zoning Ordinance, and Fee Schedule, subject of a public hearing immediately preceding the meeting.

MOVED BY COMM. MCCALL, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING AMENDMENTS:

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AMENDMENTS OF SUBDIVISION REGULATIONS

1. Add the following after the first sentence of Section 304:
"All public utilities, and all streets, public or private, shall be constructed by an appropriately licensed North Carolina contractor and under the direct supervision of a registered engineer in responsible charge of the project."

2. Add the phrase, "as may be applicable," to Section 402.3(A) after the words, "shall be designed and installed in accordance with the standards and specifications of the Town, as set forth in Appendix C of these regulations."
3. Add the following to Section 402.3(D): "Paving is optional for streets designated `private;' however, they shall in all other respects meet the requirements of Section VIII of Appendix C of these regulations. Notwithstanding the foregoing, all streets in commercial subdivisions, whether public or private, shall be paved."
4. Add the words "by a registered engineer" after the words "shall be prepared" in Section 414.1(A), and add the following: "Plans shall consist, at minimum of curve data, road profiles, typical cross sections, drainage structures, and technical specifications."
5. Add the word "subdivider's" before "engineer" in the third sentence of Section 414.1(B).
6. Delete the first sentence in Section 414.1(D), and substitute the following: "The subdivider's engineer shall submit a written report certifying that the public streets have been installed in accordance with the plans submitted and approved."
7. Delete the first sentence in Section 414.2(D), and substitute the following: "The subdivider's engineer shall submit a written report certifying that the water, sewer, or electrical system has been installed in accordance with the plans submitted and approved."

AMENDMENT OF ZONING ORDINANCE

Delete Section 405.1(A) and replace with the following:

"(A) Temporary signs, flags, or banners advertising the initial openings of business establishments or special sales, not to exceed four (4) signs per year, are permitted provided the location of such signs is approved by the Zoning Administrator and provided there shall be a minimum of thirty (30) days between display of such signs. Such signs shall not exceed sixteen (16) square feet in surface area on one side and shall not be displayed longer than ten (10) days."

AMENDMENT OF FEE SCHEDULE

Under "Temporary Signs," increase fee for sign for initial opening or special sales from \$5.00 per day, minimum of \$25.00, to \$10.00 per day, minimum of \$50.00.

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3. The Clerk reported that an application had been received from B & Z Enterprises L.L.C. for an extension of sewer service to a limited service area, under Section 248 of the Highlands Code. The two lots in question were north of the intersection of Oak Lane and Raoul Road in part of an old subdivision, and a pressure line would be installed to the force main along Oak Lane. Public Works Director Lamar Nix said that he had reviewed the request; he felt the easiest method of installation would be for the Town to install the line, with the property owner reimbursing the Town for the expense of labor and materials, since the Water Department would be installing a water line at the same time. The length was so short that it did not amount to much more than a service connection.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE APPLICATION, AND TO AUTHORIZE THE TOWN TO

INSTALL THE LINE AT THE PROPERTY OWNER'S EXPENSE.

4. Sherman Runions and his associate, Neil Browder, an engineer, were present on behalf of Highlands-Cashiers National Public Radio Association. Mr. Runions reminded the Board that it had agreed to write a letter of intent on November 1, 1995, in order that his organization might file for a permit with the FCC for a translator for WCQS in Asheville, using a site on the Upper Brushy Face water tank. He presented a plan showing the visual impact of the antenna on the tank; the receiving antenna would look like a small television antenna, and the outgoing translator tower would be ten feet in height. He requested that the Town consider a lease agreement prepared by his attorney, Jack Mayer, for the site, copies of which he distributed to each Board member; the lease included all of the information, including technical specs.

Lamar Nix asked about possible interference with repeaters at this site. Mr. Browder said that the translator was only rated at 10 watts and would operate at a frequency of 101.7 megahertz; it therefore should not interfere with repeater equipment. Mr. Runions also pointed out that Paragraph 5 of the proposed lease stated that the tenant would be required to operate under FCC regulations, and that would be part of the FCC permit.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO FORWARD THE PROPOSED LEASE TO THE TOWN ATTORNEY FOR REVIEW.

5. Selwyn Chalker briefed the Board on a grant application he and the Clerk had been working on for the Parks and Recreation Trust Fund. He had attended a meeting in December in Asheville concerning applications for the PARTF, which had been created from transfer fees on real estate sales. The proposal was to renovate the old multi-purpose courts into new tennis courts, and had originally consisted of pouring asphalt over the existing courts; it had been suggested recently by Comm. James, however, that the existing asphalt and concrete be removed completely and new courts built from a good base in order to avoid cracks. He expected to have figures by the next Board meeting. The Clerk reported that funds would be on hand either in contingency or in the Recreation Capital Fund, as well as donations pledged by area tennis players. Action would be required at the next meeting.

Mayor Pro Tem James felt that the Recreation Committee needed to look into the availability of the tennis courts to the general public during the summer season.

6. The Clerk had been asked at the December 4 meeting to look into the legality of another entity operating a Cable TV franchise in Highlands. He said that he had reviewed the question with James N. Horwood at Spiegel & McDiarmid, and they had informed him that under the Cable Television Consumer Protection and Competition Act of 1992, exclusive franchise agreements were no longer permitted.

Lee Johnson from Northland Cable TV was present, and reiterated the Clerk's comments. Mayor Pro Tem James asked if the Town needed a franchise agreement; the Clerk and Mr. Johnson both felt the Town would still want a franchise agreement with another Cable TV provider.

Ninian Bond was present on behalf of the Highlands Cable Group. He asked the Board to consider initiating the process of issuing a second franchise, which he said would require a new Ordinance and formal invitations for other proposals. He said that technology had changed since the current system had been installed, and he had been asked to look into the feasibility of a second cable project, a state-of-the-art system with a maximum band width taking advantage of the new technology. He felt it was a viable project, and that a second cable company would benefit the citizens of Highlands. He also intended to establish a local cable advisory board to respond rapidly to the needs of the community, to decrease the line construction policy, and to serve the entire township, including Clear Creek and Horse Cove. In reply to a question from Comm.

Calloway, he said that he was not requesting permission for a site at this time—he was looking at some sites outside the Town limits—but he did not rule out coming to the Town in the future with such a request.

Mayor Pro Tem James felt that the Town should consider taking over the Cable TV system; he believed it would be profitable, and he thought that a feasibility study should be done. Mr. Bond agreed that the Town was set up to take over a Cable TV system because it operated its own electric distribution system.

The Board felt that it needed to review the Cable TV Ordinance, and the Clerk agreed to mail a copy to each Commissioner with the minutes. He also agreed to send a copy of Northland's annual financial statement, which was required by the franchise agreement, to each Commissioner when available.

Lee Johnson said the statement was being prepared and would be sent to the Town soon. He also said that he looked forward to competing with Mr. Bond on a level playing field.

7. The Clerk reported that Northland Cable TV had asked about moving its antennas from the two poles and connecting "catwalk" on the Town's water tank property on Big Bearpen Mountain to a single 43-foot wooden utility pole to be installed on their own adjacent property. The pole would be the same height as the other poles, and would meet setback requirements. He understood that one of the existing poles—the one not containing WHLC's equipment—would be removed. Under the franchise agreements, new poles could be set subject to Board approval.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE REQUEST, SUBJECT TO REVIEW BY THE ZONING ADMINISTRATOR.

Charles Cooper was present, and informed the Board that he was using both of the poles on Town property for WHLC equipment; removing one of the poles would put his station out of operation.

8. MOVED BY COMM. MCCALL, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO DISCUSS PERSONNEL MATTERS.

A. Recreation Director Selwyn Chalker reported that Ed Sullivan had applied for a part-time position at Recreation Park; he recommended employing him for use on the front desk evenings and weekends. The Board did not object.

B. Public Works Director Lamar Nix reported that no applications had been received for Water Plant Operator from a certified applicant. He felt that Jim Mull was doing well, however, as reported earlier in the meeting. He also reiterated the need to officially make ORC Wade Wilson the Water Plant Supervisor. Comm. James felt that Mr. Wilson would be entitled to a salary increase, and asked that salary information for Mr. Wilson and Mr. Mull be provided to the Board at the next meeting.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION AND ADJOURN.

VI. Meeting was adjourned at approximately 9:15 p.m.

Richard Betz, Town Clerk