

REGULAR BOARD MEETING of July 2, 1997, with Mayor John Cleaveland and Commissioners H. N. James, Mike McCall, Donnie Calloway, and Zeke Sossomon present. The Mayor said that Comm. Ron Sanders had reported that he would be unable to attend the meeting.

Also present were Richard Betz, Lamar Nix, Eddie Madden, Selwyn Chalker, Georgia Allen, Rosemary Fleming, Virginia Fleming, Hank Urbanek, Ran & Margaret Shaffner, Tom & Jack Shaffner, Steve Pierson, Charlie McDowell, Beth Ham, Alan Lewis, Moyna Kendall, Dennis DeWolf, Will Stolz, Richard Melvin, Tracey Strain, Cynthia Strain, Tom & Sara Olson, Alan Marsh, Earl Jones, Curtis Hayes, and others.

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

II. The minutes of the June 18 Regular Board Meeting and the June 25 Budget Hearing and Special Board Meeting had been distributed by mail.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

III. Reports.

1. Each Board member had received a copy of the Public Works Director's written report. Lamar Nix said that the paving had been completed as approved at the June 18 meeting, and that the Right-of-Way Encroachment Agreement had been received from the D. O. T. for the Upper Clear Creek Road water line. He said that both the Wastewater Treatment Plant and the Water Treatment Plant were operating well; he and the Clerk had toured the latter with State Public Water Supply official Ray McCall earlier in the day.

2. Recreation Director Selwyn Chalker reported that everything was going well at the Recreation Park. He stated again that the renovations to the swimming pool were a big improvement, and he felt the Town couldn't thank the donor enough. The annual fireworks display was scheduled for the Fourth of July, and Pine Street and Sunset Rocks Road would again be closed.

3. Each Board member had received a copy of the Zoning Administrator's written report for the month of June. Eddie Madden reported that a letter dated May 1 from Grover Sawyer in the Insurance Commissioner's office had been received by Fred Jones, attorney for the owners of the Little Flower Shoppe, concerning the permitted uses of a greenhouse under the State Building Code. He understood that that decision was being appealed, and had been told by the County Fire Inspector that enforcement was on hold pending the appeal. County Building Inspector Bill Cook, however, had inspected the building, set a deadline for several items that needed correction, and forwarded them to the County Attorney; he was awaiting a decision.

Mr. Madden also reported that the October 3, 1997 deadline was approaching for the removal of non-conforming signs; he was currently surveying the Town, and would begin notifying property owners of non-conforming signs by the first of August.

4. Each Board member received a copy of the Treasurer's Report for the month of June.

MOVED BY COMM. JAMES, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO ACCEPT THE REPORT.

5. The Clerk reported that Police Chief Jerry Cook had been unable to attend the meeting. He also reminded the Board that it had discussed meeting with Bud Potts from the Highlands Cemetery Company, and wanted to know if they wished to do so at the next Board meeting; the Board agreed to do so. He also asked about the Personnel Manual prepared by the League of Municipalities; the consensus was that this discussion should be deferred to a special meeting to be held later in the year.

The Clerk also reported that he had discussed the construction schedule for his Main Street building with David Young, and had been told that architect Paul Schmitt was preparing design work, that the second story concrete slab would be poured by the end of July, and that the roof would be erected shortly thereafter.

IV. Old Business.

1. Each Board member had received a copy of a letter dated June 25 from Kimila Wooten, Margaret Mitchell O'Donnell's attorney, concerning the sidewalk to the U. S. Post Office at Highlands Plaza, explaining that Ms. O'Donnell was ill but had convinced Carbone Construction to have a meeting in Highlands. The Mayor felt that the Town's remedy was with Ms. O'Donnell as the property owner, rather than Carbone Construction, and that a time limit should be given for installation of the sidewalk. The Board agreed. Comm. Sossomon asked Town Attorney Bill Coward what remedies the Town would have for violation of the Zoning Ordinance; he replied that the remedies could include civil and criminal penalties and injunction. The Board asked him to proceed with issuing a notice of violation.

V. New Business.

1. The Clerk reported that the Planning Board, at their meeting of June 23, had approved the final subdivision plat for Ravenel Ridge Development. In reviewing the final plans, however, Town Engineer Lamar Nix had noted that additional transformers and water services would be needed in the subdivision due to the slight reconfiguration of some of the lots. Each Board member had received a copy of a letter dated July 2 from McRae & Stolz, Inc., agreeing to install an additional transformer to serve Lot 2, plus other transformers as needed depending on house location, a water meter on Lot 17, and other minor improvements.

MOVED BY COMM. MCCALL, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE THE FINAL SUBDIVISION PLAT FOR RAVENEL RIDGE DEVELOPMENT BASED ON THE STIPULATIONS IN THE REFERENCED LETTER.

2. The Clerk reported that the Planning Board had approved the preliminary plat for Fox Farm Estates on June 24, 1996, contingent on approval of water, roadway, and electrical plans by the Town Engineer. Such plans had been submitted, and each Board member had received a copy of a memo dated June 30 from Mr. Nix recommending approval contingent on State approval of the water system and written notice to the Town of the construction schedule to allow periodic inspection by Town employees. Steve Pierson was present, and indicated that plans would be submitted to the State for approval as soon as the plat was approved.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE PRELIMINARY SUBDIVISION PLAT FOR FOX FARM ESTATES CONTINGENT ON STATE APPROVAL OF THE WATER PLANS AND NOTICE OF THE CONSTRUCTION SCHEDULE.

3. The Clerk reminded the Board that a price of between \$2700 and \$3200 had been received from Stephen L. Foster for surveying both Poplar and 4½ Street, as requested at previous meetings, and asked if it wanted to proceed with the survey at this time.

Rosemary Fleming asked how the Board could decide on proceeding with the survey, while the matter of "consulting with the Town Attorney concerning the right-of-way of 4½ Street and Poplar Street" was on the agenda to be discussed later in the meeting in Closed Session.

Comm. McCall said he did not feel that item needed to be discussed in Closed Session; he felt the Town had a right-of-way on both of these streets, and there was nothing to talk about in Closed Session.

Moyna Kendall said that was not clear. The Mayor said it was clear to the Board; the right-of-way had been on Town maps for a long time, and the Board needed to conduct the survey in order to determine where they are located.

Margaret Shaffner was concerned that the Town was putting money into a survey, although nobody was present in favor of opening up the streets. She questioned why this matter was being driven with no apparent reason.

The Mayor objected to being unable to have a discussion at Board meetings without things going on behind the scene, such as water samples being sent to the Health Department and inaccurate news to the Asheville Citizen about the Town closing the Kelsey Trail. He said the Board had never had the opportunity to discuss whether or not to open the streets.

An unidentified new property owner said she was confused why this matter was being pursued; she felt nobody wanted confrontation. The Mayor replied that the Town was concerned about improving traffic flow from Poplar Street.

Comm. James said he felt the streets should have been opened years ago. He had recently attended a ball game and had been reminded of the poor traffic circulation in the area.

Earl Jones said that he understood part of the reason for opening the streets was that the Poplar Street/US-64 intersection was dangerous; he pointed out, however, that the Hickory Street/US-64 intersection was just as dangerous. He had no objection to the streets being opened if one good solid reason could be given to open it, and he pointed out that only a few people lived in Poplar Street.

Margaret Shaffner felt that the Town should look at what was both cost-effective and people-effective. She also pointed out that speeding was a problem on US-64.

Comm. Calloway said that he had inspected Poplar Street as part of the Street Committee. He was not in favor of opening 4½ Street, but had wanted the Board to look into the possibility of opening Poplar Street. He said that the Board was looking at several options, including the possibility of moving the end of Poplar Street so that it exited through the Conference Center parking lot.

Cynthia Strain said that if this question went to public hearing, she was certain the people of Highlands would not support it; she asked why money should be spent on a survey. The Mayor said that no public hearing would be necessary, but that he had said that any decision on opening the streets would be made at a public meeting.

Ran Shaffner said that he was in favor of a stoplight at Poplar Street; he felt it would also help the situation at Hickory Street and all through Town. He said that a lot of people in the area were scared that an industrial area would be opened into a residential area. He wondered, if the survey was conducted, what would come next?

The Mayor said that all the Board wanted to know was whether it was feasible to open the streets, but it seemed almost as if the Town would be trespassing on sacred ground by conducting a survey. The Clerk reported that a surveyor had been told by a local attorney that he did not have the right to survey Poplar Street. The Mayor pointed out that this Board had never given up the right to open up roads, and would not do so in the future. He said that the Town had come to regret roads which had been closed in the past.

Charlie McDowell said that he was a Registered Land Surveyor, that he had been surveying land in Highlands since 1960, and that he had surveyed 4½ Street more than once, including the corner at Poplar Street. He offered to show it to Mr. Nix, and would not charge the Town anything.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ACCEPT MR. MCDOWELL'S OFFER, AND ASK MR. NIX TO MEET WITH HIM AND SHOW HIM THE CORNER OF POPLAR AND 4½ STREET.

Several additional comments were made by unidentified persons.

Curtis Hayes asked the Mayor if he had personally offered to purchase property around Poplar Street. The Mayor said that he had approached the Edwards family about purchasing some land two or three years ago when he was seeking a lot for his house, but had been told they did not want to sell and had decided to build elsewhere. He said he understood that the Highlands Land Trust, however, had offered to purchase three acres of the Edwards property at \$30,000/acre.

Comm. Calloway again pointed out that the Town was not looking to open the streets now, it was just interested in a survey to show where the right-of-way is located. The Mayor agreed, and said that a survey was needed in order to estimate the cost of opening Poplar Street; an estimated cost of \$25,830 for opening 4½ Street had been provided by the Town Engineer some time ago.

4. The Clerk reported that the Planning Board had approved a proposed amendment to the Zoning Ordinance regulating the surface area of wall signs; that and a proposed amendment concerning time limits for construction were now ready to go to public hearing.

MOVED BY COMM. JAMES, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO HOLD A PUBLIC HEARING TO RECEIVE COMMENTS ON THE TWO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AT 7:00 P.M. ON AUGUST 6, THE REGULAR MEETING TO FOLLOW IMMEDIATELY THEREAFTER.

5. MOVED BY COMM. JAMES, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO CERTIFY THE ROSTER OF FIREMEN FOR THE HIGHLANDS VOLUNTEER FIRE DEPARTMENT.

6. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO DISCUSS AN APPLICATION FOR EMPLOYMENT AND ANOTHER PERSONNEL MATTER IN THE TRIMMING CREW, PURSUANT TO G. S. § 143-318.11(a)(6).

A. The Board reviewed an application for employment by Mildred Ramey in the Trimming Crew.

B. The Public Works Director reported that David Webb, who had been appointed foreman of the Trimming Crew on a probationary basis at the May 7 meeting, was performing satisfactorily in that position. The Board agreed to increase his salary accordingly.

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

7. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO EMPLOY MILDRED RAMEY IN THE TRIMMING CREW AT THE BEGINNING ANNUAL SALARY OF \$17,671; AND TO DESIGNATE DAVID WEBB TRIMMING CREW LEADER, AND INCREASE HIS ANNUAL SALARY TO \$20,493.

VI. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ADJOURN.

Meeting was adjourned at approximately 8:30 p.m.

Richard Betz, Town Clerk