

REGULAR BOARD MEETING of March 6, 2002, with Mayor Buck Trott and Commissioners Ron Sanders, Mike Cavender, Amy Patterson, and Hank Ross present. Comm. James was out of Town.

The Town Clerk was out of Town. Those present included Deputy Clerk Hilda Brown, Lamar Nix, Jerry Cook, Selwyn Chalker, Christopher Shook, Kim Lewicki, Moyna Monroe, Peter Kintz, Charlie & Gladys McDowell, Karen Dunn, Stephen Karcher, Gloria Munger, Edward "Buzz" Baty, Doris Potts, Woodrow & Melinda Wilson, James Potts, James Keener, Lois Keener, Mattie Calloway, Robert Carpenter, Mary Thompson, Carol Fox, Allan Bryson, Bob Wright, Steve Pierson, Eric Pierson, Alan Marsh, Wendell Underwood, and others.

A. Public Hearing - Petition for Re-zoning - Potts Estate.

The Mayor called the Public Hearing to order at 7:00 p.m., and stated that the purpose of the hearing was to receive comments from the public on an amendment of the Zoning Map, pursuant to a petition for re-zoning from the Heirs of A. B. and Pearl C. Potts, for a tract on the north side of Spruce Street, from R-2 Residential to B-4 Business. Notice had been provided pursuant to law. Petitioners had requested only that Lot 311 and a portion of the lot west of 311 be re-zoned, but the Planning Board had been asked to review re-zoning the entire parcel, including Lots 313 and 315; they had recommended only re-zoning Lot 311 and the adjoining parcel. The Mayor asked for comments from the public.

Lois Potts Keener, representing the Potts family, said that initially the petitioners had requested that only part of the property be re-zoned, but they now wanted the entire parcel to be re-zoned.

Karen Dunn asked if a letter had been received from Mr. & Mrs. David Harner, and the Mayor replied that it had. The letter was in favor of Lots 311 and the portion of the adjoining lot being re-zoned, but strongly objected to the rest of the parcel being included; it was committed to record.

Charlie McDowell briefly clarified the survey that he had made of the property.

There being no further comments, the Mayor closed the hearing.

B. Regular Board Meeting.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 7:10 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. Comm. Cavender requested that Item No. 1 of New Business, Discuss Extraterritorial Zoning, be deferred until the next meeting. The Mayor also requested that a personnel matter be discussed in Closed Session.

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

III. Approval of Minutes.

Copies of the minutes of the February 20 Regular Board Meeting had been distributed by mail.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

IV. Reports.

1. The Mayor reported that he had attended a meeting of the Western

North Carolina Local Government Caucus on February 28 in Asheville.

2. Each Board member had received the Public Services Administrator's written report for the month. Lamar Nix was present and reviewed the report, adding that the Spring Street Lift Station had been removed, that the Electric Department had completed installation of the reclosers, and that the Bowery Water Project was about 60% complete.

3. Each Board member had received a copy of the Police Chief's report for the month. Chief Cook was present, and asked the Board to consider the possibility of purchasing a bicycle for the parking enforcement officer; the cost would be approximately \$600. The Board took the request under advisement. He also said that he would be obtaining prices on purchasing new weapons in the FY 02-03 budget.

4. Each Board member had received a copy of the Recreation Director's report for the month. Selwyn Chalker was present, and reported that a letter could be expected in a week approving use of the Recreation Park property for parking.

5. Each Board member had received a copy of the Zoning Administrator's report for the month. Christopher Shook was present and reviewed the report with the Board. He reported that the Planning Board had approved the preliminary plat and the request for a variance from Hardscrabble Ridge Subdivision.

6. Each Board member had received a copy of the Treasurer's Report for the month. The Treasurer was not present.

MOVED BY COMM. SANDERS, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO ACCEPT THE TREASURER'S REPORT.

7. Each Board member had received a copy of the Town Administrator's written report for the month. He was not present, but the Mayor reviewed the report. He said that Kurt Wright had reported that Goldstein & Associates had nearly wrapped up the Environmental Assessment for the Wastewater Treatment Plant permit. He also said that SpectraSite had had a change in management and was now known as Metrosite LLC. A consent order had been approved in the Bowery Road matter; the hearing was scheduled for Wednesday or later during the week of April 8. He had written a letter on March 5 to Macon County Tax Supervisor Richard Lightner asking for further clarification of the acreage and the valuation at Highlands Country Club.

V. Old Business.

1. The Board discussed the Potts Estate petition for re-zoning, subject of a public hearing immediately prior to the meeting. Comm. Ross felt that the Planning Board's decision should remain. The consensus of the Board was that only Lots 311 and the adjoining portion of a lot should be re-zoned.

MOVED BY COMM. SANDERS, SECONDED BY COMM. ROSS, TO RE-ZONE LOT 311 AND THE ADJOINING PORTION OF A LOT FROM R-2 TO B-4.

2. Copies of a memo dated February 20 were distributed from Lamar Nix, Cemetery Superintendent, regarding fees for the new columbariums. The Committee had recommended a fee of \$1000 per niche for qualifying individuals, and \$1400 per niche for non-qualifying individuals, and that the qualification standard be waived for such individuals.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVED THE FOREGOING FEES.

3. Comm. Ross felt that the Planning Board should study the population growth projects contained in the Preliminary Engineering Report prepared by consulting engineers W. K. Dickson Company, as discussed at the previous meeting. He also recommended that the

Board retain another company to do a comparison study. He did not feel that the projections were accurate.

MOVED BY COMM. ROSS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO ASK THE PLANNING BOARD TO REVIEW THE POPULATION GROWTH PROJECTIONS IN THE PRELIMINARY ENGINEERING REPORT.

VI. New Business.

1. Each Board member had received a memo from the Town Administrator concerning budget requests to Macon County and to the Highlands Chamber of Commerce. The Board agreed by consensus for the Finance Committee to review the budget requests with the Town Administrator.

2. Each Board member had received a copy of a memo dated February 15 from Lamar Nix concerning water improvements for Sagee Woods. The memo estimated the cost of installing a new 6" line in Sagee Woods Road at \$84,810. It also indicated that the amount to be reimbursed to Bob Fisher for installing a line on his property several years ago, pursuant to the October 6, 1999 meeting, at \$84,629. Mr. Nix explained that the latter amount had been more than expected due to the cost of rock excavation.

MOVED BY COMM. SANDERS, SECONDED BY COMM. ROSS, TO PROCEED WITH THE SAGEE WOODS WATER LINE AS AN ADDENDUM TO THE BOWERY WATER PROJECT CONTRACT NOW BEING COMPLETED BY STILLWELL ENTERPRISES, CONTINGENT ON VERIFICATION BY THE TREASURER THAT CONTINGENCY FUNDING IS AVAILABLE, AND TO CONSIDER BUDGETING THE REIMBURSEMENT TO BOB FISHER WITH THE FY 02-03 BUDGET.

3. MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING RESOLUTION:

**A RESOLUTION IN SUPPORT OF THE PRESENT SYSTEM
OF ALCOHOLIC BEVERAGE CONTROL**

WHEREAS, the people of the Town of Highlands voted to permit the sale of spirituous liquor through the establishment of the Highlands Board of Alcoholic Beverage Control, which is a part of the State's control system for the sale of spirituous liquors; and

WHEREAS, the Highlands Board of Alcoholic Beverage Control makes spirituous liquor available to consumers through a local ABC store, while curtailing the intemperate use of alcohol through control over the distribution, sale, and advertisement of spirits; and

WHEREAS, the State's ABC system is self-sufficient in that consumers of spirits pay for the costs of operating the State ABC Commission and for the distribution and sale of spirits; and

WHEREAS, the Highlands Board of Alcoholic Beverage Control generates substantial revenue for the Town of Highlands and contributed in the years 1996 through 2001 as follows: \$282,893 to its general fund; \$21,884 for alcohol education and rehabilitation; \$16,547 for alcohol law enforcement; and \$118,082 to other organizations in the Highlands Township; and

WHEREAS, the North Carolina General Assembly recently created the Legislative Alcoholic Beverage Control Study Commission (ratified Senate Bill 166), which is required to study and address, among other things, the benefits of a "control" system and a "license" system for spirituous liquor, including privatization of alcoholic beverage sales.

NOW, THEREFORE, BE IT RESOLVED, that the Board of

Commissioners of the Town of Highlands supports the present control system for the sale and distribution of spirituous liquor and desires to retain the Highlands Board of Alcoholic Beverage Control.

4. The Board discussed a resolution that was to have been prepared opposing the relocation of Mill Creek, as discussed at the previous meeting. A letter dated February 26 had been received from William R. Nellis, Managing Member of Village Walk at Mill Creel, LLC., indicating that no such relocation would be required.

Comm. Patterson suggested that the Planning Board consider adopting a resolution opposing the channelization of streams.

5. The Board considered a preliminary plat and a request for a variance for Hardscrabble Road Subdivision, submitted by Steve Pierson. The Zoning Administrator had reported earlier that the Planning Board had approved the preliminary plat and the request for a variance from the road grade standards for Hardscrabble Ridge Subdivision at a Special Meeting on March 4.

Peter Kintz, from the Macon-Jackson Conservation Alliance, spoke in opposition to approval of the subdivision. He pointed out this subdivision drained into the Chattooga River basin, an Outstanding Resource Water (ORW); he understood that an NPDES permit was required for subdivision activities in ORW waters.

Bob Wright was present from the Upper Cullasaja Watershed Association; he said he was unaware of any such requirement in Macon County, but offered to check into it. The Mayor stated that he would check with DENR.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE THE PRELIMINARY PLAT AND THE REQUEST FOR A VARIANCE, CONTINGENT UPON CHECKING WITH DENR REGARDING ANY STATE PERMITTING REQUIREMENTS.

6. Dennis DeWolf was present and confirmed that the Historical Society had found a contractor to move the old library onto the Prince House property. He requested permission to park the house in the Recreation Park auxiliary parking lot if problems occurred; there was no objection from the Board.

7. Each Board member had received a copy of a letter of resignation from Zoning Administrator Christopher Shook dated February 26, effective March 12. The Town Administrator's report indicated that the position had been advertized.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ACCEPT THE RESIGNATION.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPOINT RICHARD BETZ INTERIM ZONING ADMINISTRATOR.

8. MOVED AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318(A)(6) TO DISCUSS A PERSONNEL MATTER INVOLVING METER READER GARY MCCALL.

The Board discussed the competence and performance of Meter Reader Gary McCall with the Public Services Administrator.

Mr. Nix said that he had met with Mr. McCall and had reviewed the pertinent sections of the Personnel Manual relating to termination of employment.

MOVED BY COMM. CAVENDER AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION.

9. MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO TERMINATE EMPLOYMENT OF GARY MCCALL EFFECTIVE IMMEDIATELY, PURSUANT TO SECTION 74(C)(8) OF THE PERSONNEL MANUAL.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ADVERTIZE FOR THE POSITION.

10. Comm. Cavender asked the Finance Committee to review an increase in the salary for the Town Planner/Zoning Administrator position.

VII. MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:50 p.m.

Hilda K. Brown, Deputy Clerk