

REGULAR BOARD MEETING of January 18, 2006, with Mayor Don Mullen and Commissioners H. N. James, Dennis DeWolf, Alan Marsh, Amy Patterson, and Hank Ross present.

Also present were Richard Betz, Bill Coward, Lamar Nix, Larry Gantenbein, Bill Harrell, Kim Lewicki, Jim Lewicki, Adam Thompson, Lindsey Wisdom, Clem Patton, Ginger Slaughter, Beth Hamm, Charles Simmerson, Rick Siegel, George Mathis, Bronce Pesterfield, David Bock, David Hourdequin, Barbara James, Bill Nellis, Katy Calloway, James Manley, Wayne Estabrooks, and others.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 7:00 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Town Administrator reported that one item of New Business, bids on the reconductoring project for NC-28, could be deleted. He also requested that discussion of B-3 zoning, setting public hearings for three subdivision variances, and receiving bids on a Fire Department truck be added under New Business.

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

III. Approval of Minutes.

Copies of the minutes of the January 4 Regular Board Meeting had been distributed by mail; a typographical error was noted.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS CORRECTED.

IV. Reports.

1. The Mayor reported that he had attended the January 9 meeting of the County Board of Commissioners and succeeded in requesting that a Memorandum of Understanding be approved for funding of Recreation. The four-year agreement called for \$500,000 annually the first year, one-half upon execution of the agreement, and succeeding payments at the end of each quarter. The agreement had been executed and he understood that the initial check for \$250,000 was being processed.
2. The Town Administrator reported that the Town's Clean Water Management Trust Fund application for a Stormwater Master Plan had been received by that agency; a decision was expected at either the May or July meetings.

V. Old Business.

1. The Town Administrator reported that the Public Works Committee had met on January 10 to discuss a proposed Ordinance regulating parking and construction activities on Church Street, and also a proposal made by Bob Wright, Clerk of Session of First Presbyterian Church, regulating construction parking. The Committee had recommended that Old Edwards Inn request their contractors and sub-contractors to park on their property at Nick's, Rib Shack, and Kelsey-Hutchinson. Comm. Patterson said she was not certain the recommendation would solve the problem. Comm. James pointed out that it was only a temporary solution.

2. The Board discussed permits issued at previous meetings for use of Town right-of-way for construction activities by Old Edwards Inn on Church Street, which had expired on this date.

George Mathis was present and said that he had spoken to the contractors about parking in the recommended areas. The Town Administrator added that he had received a request for a dumpster to be placed on the north side of Church Street in front of the spa building to serve continuing construction activity there. Comm. Patterson noted that there was a problem with issuing a permit with use of both sides of the street at the same time; Comm. James agreed, and felt the Town should look into prohibiting such activities. George Mathis said that he would need to excavate Church Street in order to install a sewer tap and storm drain, at the owner's expense; Comm. James noted that this was a good time of year to do that work, and he thought he should proceed with coordinating it with the Town Engineer.

**MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO EXTEND THE PERMIT UNTIL THE FEBRUARY 15 MEETING, AND ASK GEORGE MATHIS AND THE TOWN ENGINEER TO WORK OUT THE SCHEDULE FOR THE SEWER TAP AND STORM DRAIN WORK.**

3. Comm. Patterson said that she, Comm. Ross, Planning Board member Clem Patton, and Larry Gantenbein had met with Lee Hodges, David Hourdequin, Tommy Chambers, and Mike Bryson to discuss the concerns of "Citizens Against ETJ." The Committee had found common ground and had agreed to proceed with meeting with affected residents in the ETJ area, section by section. A letter was being drafted containing a proposed meeting schedule and another meeting of the ad-hoc committee was scheduled for Thursday. David Hourdequin was present and said that his group had been pleased with the meeting.

4. Each Board member had reviewed problems on Second Street where a pond and other encroachments had been constructed by Warth Construction Company subject to a Revocable License Agreement; there had been some concern about adequate room to walk along the edge of the road. Comm. Patterson agreed that there was inadequate room for two cars to pass and no room to walk, but noted that the pond acted as a silt trap. Comm. James felt that the Town should consider extending the culvert and adding a shoulder. Comm. Ross wondered what the Board was trying to achieve by improving the road; he pointed out that the entry into Highlands Plaza was very dangerous. After some discussion, the Mayor appointed Comm. DeWolf, Comm. James, and the Town Engineer to review this matter and return with a recommendation at the next meeting.

## VI. New Business.

1. The Town Administrator said that when the Board had discussed the Conditional Use Zoning amendment adopted at the previous meeting it had neglected to address the recommended increase in Fee Schedule which had been proposed by the Town Planner, which was \$500 for re-zoning applications and \$1000 for conditional use zoning applications. He noted that there was time and work involved in these applications and that the current fee of \$100 was far below the fee charged by most jurisdictions, and he concurred with the recommendation. Comm. James said he felt it was a little high. Comm. Patterson said that normally an applicant had a specific development project in mind when applying for re-zoning.

**MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO AMEND THE FEE SCHEDULE TO INCREASE THE FEE FOR A RE-ZONING APPLICATION TO \$500 AND TO SET THE FEE FOR A CONDITIONAL USE ZONING APPLICATION AT \$1000.**

2. An application for conditional use zoning had been received from Bruce W. and Barbara L. Werder, the culmination of a lengthy series of meetings and amendment of the Zoning Ordinance at the previous meeting. The Town Administrator said that the application appeared to meet all requirements and had been accompanied by a \$1000 application fee. A memo from the Town Planner had been included in the agenda package outlining the schedule for processing the application, and Larry Gantenbein asked that the memo be incorporated into the record because it contained several conditions shown on the drawing which had been submitted and which were part of the application:

"Drawing amended to include the following conditions: 1) structures to be situated as shown on drawing; 2) historic home to be preserved as shown on drawing; 4) roadway and cul de sac to be situated as shown on drawing; 5) parking

as shown on drawing; and, 6) project time frame. Any of the foregoing conditions may be negotiated differently than shown on the drawing provided the record is clear with regard to what was negotiated. Additional conditions may be negotiated by the TB as the Board sees fit. The law presumes that all applicable zoning ordinances apply to this project and the negotiated conditions outlined above become additional zoning ordinances applicable only to this project."

MOVED BY COMM. ROSS, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING FOR FEBRUARY 15 TO CONSIDER THE APPLICATION FOR CONDITIONAL USE ZONING, AND TO REFER IT TO THE PLANNING BOARD FOR A RECOMMENDATION.

3. An application for Parks and Recreation Trust Fund grant in the amount of \$162,500 for the Houston property had been prepared by the Town Administrator, Recreation Director, and GIS/Field Technician. It proposed a three-year development for the property which would include re-locating the playground, building a toddler playground, and building a pavilion with accessible toilet facilities, and in the meantime using the house for other functions; the plan could be amended at any time and was not binding.

MOVED BY COMM. MARSH, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE GRANT APPLICATION

4. Wayne Estabrooks was present representing UNC-TV, which he said had served the area for 25 years but was unable to continue broadcasting on Satulah Mountain due to replacement of the tower on which their antenna was located. He proposed placing his equipment on the Upper Brushy Face Water Tank site; it was the same size as the WCQS Highlands-Cashiers Public Radio repeater, which paid \$100 annually according to the Town Administrator. He said that the station was supported by public funds and asked that the normal fee of over \$1000 annually be waived or reduced. Comm. James and Patterson felt that the Town's telecommunication consultant should be contacted for a recommendation on the amount of the rent.

MOVED BY COMM. ROSS, SECONDED BY COMM. DEWOLF, TO APPROVE THE ANTENNA AT AN ANNUAL RENT OF \$100 FOR A TERM OF FIVE YEARS. The motion carried, with Comms. Ross, DeWolf, and Marsh voting "aye" and Comms. James and Patterson voting "nay."

5. Each Board member had received copies of the Highlands Fire & Rescue Department's Annual Report, as well as a letter requesting assistance in replacing a 50-year-old generator serving the Department as well as the Police Department/EMT building. The cost of the generator would be \$20,000 and the Department could fund \$10,000; a budget request had been submitted to the County for \$5,000 and the Town's General Fund was requested to fund the balance.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ACCEPT THE REPORT AND APPROVE PURCHASE OF THE GENERATOR.

6. Comm. Marsh said that he felt the Planning Board should be asked to review the B-3 Zoning District. The Town Planner reported that this was one of the recommendations of the Land Use Plan but had not yet been addressed due to the Planning Board's heavy schedule. Comm. DeWolf agreed with Comm. Marsh; he said he was concerned over B-3 in relation to other parts of the Ordinance such as the clustering provision, proximity to Town, and clarification of incidental apartments vs. residential use.

MOVED BY COMM. MARSH, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO REFER THIS TO THE PLANNING BOARD. The Mayor asked that the Planning Board schedule it as soon as they could.

7. The Town Administrator said that three applications for variances would be submitted at the next meeting and that normal practice had been to schedule the quasi-judicial hearings now required at the preceding meeting. The variances were road width variances for one-way streets for Old Edwards Inn in the Satulah Park and Old Creek Lodge subdivisions, and for a two-way street in the Crunkleton Ridge Subdivision. The Town Engineer briefly described what he knew about the requests. Comm. Patterson said that she felt the Board should see the applications before

setting the hearings. It was agreed by consensus that setting of the public hearings should be scheduled for the February 1 meeting and the hearings themselves for February 15.

8. Three bids had been received for a pumper/tanker for the Fire Department subsequent to invitation for bids; they were opened and read by the Mayor, as follows:

- Taylor Fire Group \$192,817
- Moore Farm Equipment Co. 177,915
- C. W. Williams & Co. Inc. 194,886

MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE THE LOW BID, SUBJECT TO REVIEW BY THE FIRE CHIEF TO BE SURE IT MEETS SPECIFICATIONS.

9. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(6) TO REVIEW APPLICATIONS FOR EMPLOYMENT FOR PATROL OFFICER AND TO DISCUSS POLICE PERSONNEL MATTERS, AND PURSUANT TO G. S. §143-318.11(A)(3) TO DISCUSS LEGAL MATTERS WITH THE TOWN ATTORNEY. All present left the room except the Clerk and the Police Chief. Before leaving the room, Larry Rogers commented that he was opposed to the Town closing a portion of Fifth Street and the planting of shrubbery.

A. Police Chief Bill Harrell said that when John Cherry had been employed as Patrol Officer, he had intended to recommend an increase from 11-1 to 11-3, rather than 11-2 as recorded in the minutes, upon completion of his field evaluation; he recommended an increase to 11-3.

B. The Police Chief also reported that Tony Carver had submitted his resignation. He reviewed with the Board an application for employment from Mike Jolly, whom he recommended employing as Patrol Officer at a salary of 11-2 with a proposed series of step increases over a period of less than 12 months to 11-7. The Town Administrator again expressed concern over the departure from normal policy of starting new employees at Step 1. The Police Chief then left the room.

C. The Board had agreed at the previous meeting to ask the Town Attorney to review plans submitted by Old Edwards Inn for the Satulah Park and Old Creek Lodge subdivisions with respect to compliance with the watershed regulations, and he briefed the Board at some length on this matter. The Town Attorney then left the room.

D. The Board discussed Police personnel matters.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. The door was opened to the public.

10. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO EMPLOY MIKE JOLLY AS PATROL OFFICER AT A SALARY OF 11-2 (\$24,688).

11. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO INCREASE JOHN CHERRY'S SALARY TO 11-2 (\$24,688).

VII. MOVED BY COMM. PATTERSON TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:50 p.m.

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Richard Betz, Town Clerk