

SPECIAL BOARD MEETING of March 12, 2008, with Mayor Don Mullen and Comms. Amy Patterson, Hank Ross, Larry Rogers, John Dotson, and Dennis DeWolf present.

The Mayor called the meeting to order at 8:00 a.m. and stated that the purpose of this special meeting was to continue to discuss personnel matters in closed session.

THE BOARD AGREED BY CONSENSUS TO GO INTO CLOSED SESSION PURSUANT TO G.S. §143-318.11(A)(6) TO DISCUSS PERSONNEL MATTERS.

The Board discussed personnel matters.

THE BOARD AGREED BY CONSENSUS TO GO INTO OPEN SESSION.

The Board agreed by consensus that the meeting be continued to reconvene at 7:30 a.m. on March 19, 2008, at the Highlands Civic Center.

Richard Betz, Town Clerk

REGULAR BOARD MEETING of March 12, 2008, with Mayor Don Mullen and Comms. Amy Patterson, Hank Ross, Dennis DeWolf, Larry Rogers, and John Dotson present.

Also present were Richard Betz, Lamar Nix, Joe Cooley, Josh Ward, Bill Harrell, Ricky Bryson, Mike Bryson, Pat Taylor, Linda Clark, John Shearl, Melody Spurney, Kim Lewicki, Jim Lewicki, Don Chandler, Ralph Stephenson, Cynthia Strain, Bob Kieltyka, Jerry Moore, Janet Avery, Stephanie Nieuwendyk, Mal Phillips, Carter Bruns, 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 requested addition of two items of new businesses: a resolution for the Highlands fire Department and a resolution for Southwestern Commission.

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

III. Approval of Minutes.

Copies of the minutes of the February 27 Special Board Meeting and the February 27 Regular Board Meeting had been distributed by mail.

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

IV. Public Comment Period.

The Mayor stated that this was the public comment period required by law, and invited comments.

Ricky Bryson, member of the Planning Board and owner of Highlands Outdoor Tool, spoke regarding the zoning amendment regulating outdoor display of merchandise adopted on February 6. He felt the Planning Board had looked carefully at the issue of outdoor display of merchandise, and displays on private property looked good, were not unlike those seen in many historic towns, and did not block sidewalks. He asked the Board to consider rescinding the amendment pending the joint meeting with the Planning Board scheduled for March 24.

Jerry Moore, owner of Kilwins Chocolates & Ice Cream, said that he and other merchants wanted the Town to look good, but wanted a community with character, not a sterile downtown. With the short season, merchants needed all the help they could get, and he encouraged the Board to re-consider the amendment from the merchants' standpoint.

Bob Kieltyka, Executive Director of the Highlands Chamber of Commerce, noted that Mr. Moore was the Public Affairs Chairman of the Chamber's Board of Directors, and his comments reflected the viewpoint of the Chamber Board.

Cynthia Strain said that she would be on the agenda of the next meeting requesting an arts and crafts show at Pine Street Park on Memorial Day weekend; she felt that it, too, added character to the Town and had overwhelming support.

Stephanie Nieuwendyk, owner of Dutchman Design, felt that the Board should find a happy median on outdoor display; she did not feel that it hurt the appearance of Main Street if done well.

Janet Avery, owner of Little Flower Shoppe, felt that outdoor displays added charm, quaintness, and beauty; if she could not continue to display in her private courtyard on Main Street, the Board might as well shut her down. She also said she had spend nearly \$20,000 on merchandise that she had intended to display outside her business this season

Mal Phillips, owner of Twigs at Highlands Edge, said that merchants were faced with a question mark about economic conditions; he said he and others had worked hard to create an appearance consistent with a quality group of retail stores.

Mike Bryson, member of the Planning Board, said the Planning Board had put a lot of thought into its recommendation, which had been for the most part ignored; he thought there were a lot of beautiful displays and the Board needed to revisit the issue. He also said that his Board had put a lot of time into the restaurant parking issue, and noted that there were fewer restaurants now than when parking regulations went into effect. He thought the Board needed to let businesses in the downtown area do business and use parking.

There were no further comments.

V. Reports.

1. The Mayor reported that the revised D.O.T. estimate for paving Hickory Hill Road, Chowan Drive, and Cullasaja Drive was \$520,000; Senator Snow had already requested the additional funds. He also reported that Town officials had met with the Army Corps of Engineers on March 11 concerning sedimentation in Big Creek; they now had authority to address the problem, but no funds, and he had contacted Rep. Health Shuler's office to see if funding was available.
2. Comm. Ross reported that the Land Use Committee had met on March 10 to consider a Zoning Ordinance parking amendment and a Stormwater Ordinance; the former was on the agenda later in the meeting.

Comm. Rogers said that he had noticed the sidewalk along Hickory Street at the Simmerson project would be eliminating needed parking spaces across from the ball park. Comm. Ross agreed, and the Board agreed by consensus to request that the work be stopped pending review.

3. Each Board member had received copies of the Town Engineer/
Public Service Administrator's report for the month. Lamar Nix was present and reported that DENR had inspected the SBA sewer collection system; everything requested by the Town for acceptance of the system had been completed, but DENR recommended ensuring that there were adequate easements, clearing the easements, and exposing manholes. He expected that the Town would hear from SBA soon when the items had been addressed. He also said that he would be meeting with the U. S. Forest Service to see if the power line serving Horse Cove, which had recently been damaged by theft of copper wire, could be relocated along the road instead of through the woods.
4. Each Board member had received a copy of the Police Chief's report for the month; Chief Bill Harrell was present to review the report.
5. Each Board member had received a copy of the Recreation Director's written report for the month; Selwyn Chalker was present to review the report. He also said that he had received a request from the Macon-Jackson Conservation Alliance concerning a conservation expo scheduled for August 2 at the Highlands Civic Center which included a small tailgate market selling organic produce. Comm. Patterson felt the request should be considered later in the meeting when Civic Center policy was being discussed.
6. Each Board member had received a copy of the Town Planner/ Zoning Administrator's written report for the month; Joe Cooley and Josh Ward were present. Mr. Cooley said that Mr. Ward had been spending time in the field on code enforcement, including the junk car ordinance. Planning Board minutes for the February 11 and February 25 meeting had been attached to the report. The Board had approved a subdivision under the lot size exception in order to increase the size of previously platted or recorded lots, and had also recommended approval of the final plat for Phase III of Riverwalk Subdivision, which was on the agenda later in the meeting.
7. Each Board member had received a copy of the Treasurer's Report for the month.

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

8. Each Board member had received a copy of the Town Administrator's written report for the month. He updated the Board on the Harris Lake Sewer Project, the County Transfer Station, and information technology improvements. He also reminded the Board of the upcoming joint dinner meeting with the County Board on March 18, and the Chamber of Commerce governmental retreat on March 19. Letters were also distributed from Paul Thompson, calling for a moratorium on the construction of security gates, and from the Fine Art Center, requesting extension of a pedestrian sidewalk. The Board agreed by consensus to consider the sidewalk extension in the FY 08-09 budget.

The Town Administrator also reported that the D.O.T. had recently opened US-64 to the new, longer 53-foot tractor trailers; the Asheville Citizen had written an editorial in opposition, and he understood that the County Board was also writing letters in opposition. Board members noted that there were many accidents on the road and that trucks cannot negotiate the road without being left-of-center. By consensus, the Board authorized a resolution opposing the opening of roads to these vehicles.

VI. Old Business.

1. The Mayor thanked the public who had made comments earlier in the meeting on outdoor display of merchandise, and suggested that the Board consider the comments at the Special Joint Meeting with the Planning Board on March 24; the Board agreed by consensus.

VII. New Business.

1. Sealed bids had been requested pursuant to order of the Superior Court for unclaimed property recovered from a series of breaking and entering incidents last year, and were opened:

- Greg A. Peters \$210.00
- Pat Parker 150.00
- John & Sandra Fowler 461.00
- Nancy Hart 333.00

MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROGERS, AND UNANIMOUSLY CARRIED TO ACCEPT THE HIGH BID.

2. The Board considered an amendment of the Zoning Ordinance addressing parking credits. The Board had agreed on December 5, 2007, to ask the Planning Board to look at both dual use and adjacent public parking, and a first draft providing for both types of credit had been reviewed by the Planning Board and mailed out with the agenda. Comm. Ross reported that the Land Use Committee had reviewed the proposal at its March 10 meeting in some detail and had been concerned about some of the unintended consequences of dual use parking; that proposal could permit buildings to expand into existing parking lots, which seemed contrary to the goal of limiting impervious surfaces. Mr. Cooley had also done some extensive research and created a matrix showing different parking scenarios, and based on that they had recommended a more conservative approach in a second draft - included in the agenda package - which only gave credit for adjacent parking, and only for restaurants; the Committee felt that restaurants were peak-oriented and it was reasonable to look at them differently from other businesses, and it was also pointed out that use of adjacent parking eliminated a safety problem of crossing streets. Comm. DeWolf said he felt it was important to move forward with a parking study, and asked whether such an amendment might be approved for only six to eight months pending such a study. The Town Clerk noted that the earliest a public hearing could be scheduled would be April 16. Linda Clark, member of the Planning Board, asked which amendment would be advertized, the first draft or the second; she felt the second draft did little to address the problem. Comm. Ross said the Committee had not intended to give the appearance of railroading anything. Mr. Cooley further explained the rationale of both proposals. Carter Bruns, owner of Wild Thyme Restaurant, noted that the Catholic Church had agreed for him to use their parking lot for dual use since it was empty except on Sundays; he did not see any downside. Comm. Patterson pointed out although the parking lot was provided customers could still use public parking. After additional discussion, the Mayor suggested that the Board discuss the proposals at the Special Meeting scheduled for March 24 with the Planning Board; a public hearing could still be set at that meeting for either proposal for April 16.

3. The Board discussed in some detail a proposed Parks and Recreation Use Policy for the Highlands Civic Center and Pine Street Park, drafted by the Town Administrator and reviewed by the Recreation Committee on February 13. Comm. Patterson felt that the issue in approving Cynthia Strain's upcoming request for a crafts fair would be deciding what is commercial use; the policy as drafted permitted events having a commercial aspect only if they were fund-raising events for local non-profit organizations. Jerry Moore asked why the Board could not make decisions on a case-by-case basis, and Ms. Strain agreed. The Mayor said the Board needed to consider the matter of setting precedents; he also said that he felt art shows benefitted the entire community. Comm. Ross said he thought the Town had the legal authority to make distinctions in setting policy. Comm. DeWolf said that one distinction in the past had been whether the show was organized by a promoter, or organized locally and voluntarily; Planning Board member Pat Taylor agreed. Comm. Dotson wondered if the number of events, and the application time before events, could be

addressed. Bob Kieltyka pointed out that annual events approved by the Board, locked in around certain dates, would tend to eliminate a lot of events. The Town Administrator suggested adding the following sentence after the General Policy Statement: "Crafts fairs, antique shows, or similar events organized by residents of Macon County may be approved on a case-by-case basis by the Board of Commissioners." The Board also agreed to add an application deadline and made several minor changes.

MOVED BY COMM. ROSS, SECONDED BY COMM. ROGERS, AND UNANIMOUSLY CARRIED TO APPROVE THE POLICY, SUBJECT TO THE CHANGES MADE AT THE MEETING AND REVIEW BY THE TOWN ATTORNEY.

4. John Shearl was present and thanked the Town for its help with Zachary Field. He pointed out that parking was still a problem, however, and asked if gravel could be applied to the field in the rear of the property for additional parking. He also expressed concern over the sidewalk on Hickory Street discussed earlier in the meeting and storage of building materials for the project in the right-of-way.

5. Sealed informal bids had been requested for several surplus vehicles: a 1994 Ford F-250 service truck, a 1997 Tennant street sweeper, and a 1992 Ford club van. Only one bid had been received, for the van, and it was opened at the meeting; the bid was for \$1,000, from Matt Shuler.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO SELL THE 1992 FORD CLUB VAN TO MATT SHULER. The Board authorized the Public Services Administrator to dispose of the other vehicles.

6. Each Board member had received a memo from the Budget Director concerning upcoming requests to Macon County, Jackson County, and the Chamber of Commerce. The recommendation for Macon County was to ask the County to consider a long-term commitment for the annual \$500,000 in recreation funding, since the current agreement was scheduled to expire on June 30, 2008. Comm. Ross felt that the Town also needed to respond to County inquiries last year about taking over Town recreation facilities. It was agreed that these issues should be discussed informally at the joint dinner meeting on March 18, and placed on the agenda again for March 19.

7. Joe Cooley had reported earlier in the meeting that the Planning Board had recommended approval of the final plat for Phase III of Riverwalk Subdivision; all of the infrastructure for the subdivision had been approved by the Town Engineer.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROGERS, AND UNANIMOUSLY CARRIED TO APPROVE THE FINAL PLAT.

8. The Town Administrator reported that, due to an upcoming inspection of the Highlands Fire Department by the Department of Insurance, a resolution was required to be adopted confirming that the Department was an agency of the Town.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROGERS, AND UNANIMOUSLY CARRIED TO ADOPT THE RESOLUTION.

9. The Town Administrator reported that Southwestern Commission had contacted him and reported that the Memorandum of Understanding between the counties and the Regional Planning Organization (RPO) had been amended in order to be current with the North Carolina Open Meetings laws. Once it was amended, all counties and municipalities had to rejoin the RPO by resolution or Municipal Statement of Adoption.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO APPROVE THE MUNICIPAL STATEMENT OF ADOPTION.

VIII. MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROGERS, AND UNANIMOUSLY CARRIED

TO ADJOURN.

There being no further business to come before the Board, the meeting was declared by the Mayor to be adjourned at 9:30 p.m.

Richard Betz, Town Clerk