

PUBLIC HEARING and REGULAR BOARD MEETING of July 2, 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, Selwyn Chalker, Kim Lewicki, Melody Spurney, Dennis Matthews, MaryAnn Sloan, Bill Nellis, Paul Iannacone, Mike Bryson, Judy and Louis Michaud, John Gaston, Jim Lewicki, Allan Keller, Jerry Moore, Edwin Poole, John Cleaveland, and others.

A. PUBLIC HEARING.

The Mayor called the Public Hearing to order at 7:00 p.m. and stated that the purpose was to received comments on a proposed amendment of the Zoning Ordinance changing the parking requirement for libraries, as requested at the March 19, 2008 Board meeting; the amendment had been duly advertized and its approval recommended by the Planning Board

John Gaston spoke in favor of the amendment; he said it would bring the available parking at Hudson Library in conformance with most other libraries.

The Mayor closed the Public Hearing.

B. REGULAR BOARD MEETING.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 7:02 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Town Administrator requested the addition of two items: consideration of amendment of the Zoning Ordinance for library parking, pursuant to the Public Hearing immediately preceding the meeting, and re-voting on the amendment of the Parking Ordinance at the previous meeting; he said that the vote had been three to two on first reading of an Ordinance, which was contrary to the requirement of G. S. 160A-75, which required a two-thirds vote excluding the Mayor.

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

III. Approval of Minutes.

Copies of the minutes of the June 25 Budget Hearing and Special Board Meeting had been distributed by mail.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROGERS, 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.

John Cleaveland was present and asked about the purpose of the parking study that he understood the Town would be conducting. Joe Cooley explained that the study was a parking and circulation study that would show where parking was in relation to businesses; it had been 20 years since the last study and it would enable the Board to make some good judgements.

Allen Keller was present and asked about the Affordable Housing Task Force; he said he owned the adjoining property off Buck Creek Road. The Mayor explained that it would be discussed later in the meeting.

V. Reports.

1. Each Board member had received copies of the Town Engineer/ Public Service Administrator's report for the month. Lamar Nix was present.
2. Each Board member had received a copy of the Police Chief's report for the month; Chief Bill Harrell was present.
3. Each Board member had received a copy of the Recreation Director's written report for the month; Selwyn Chalker was present.
4. 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 had included a proposed RFP for the parking study with his report; the deadline for submittal of proposals was July 21, and the contract was scheduled to be approved by the Board on August 20.
5. Each Board member had received a copy of the Treasurer's Report for the month.

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

6. The Town Administrator reported that the Finance Office was busy with fiscal-year-end reports, entering the new budget, and many other finance and auditing requirements.

VI. Old Business.

1. The Board discussed the Parking Ordinance changes made at the previous meeting, copies of which had been included in the agenda package together with a map. The Board discussed whether real estate offices required two employee parking spaces, the difficulty of enforcing the Ordinance, and related issues.

MOVED BY COMM. DOTSON, SECONDED BY COMM. ROGERS, AND CARRIED TO APPROVE THE ORDINANCE ON THE SECOND READING. The motion carried, with Comms. Dotson, Rogers, and Patterson voting "aye," and Comms. Ross and DeWolf voting "nay."

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Amendment of Section 7-117. Downtown Business District parking ordinance (a). [Underlined words]

(6) "Employee-restricted parking areas" shall mean all parking spaces, both adjacent to the curbs and in the center, on Main Street between Second Street and Fifth Street, and that portion of Church Street located in the B-1 Zoning District.

(b) It shall be unlawful for a Downtown Business District Employee to park a vehicle within the employee-restricted parking areas while such person is performing his duties as defined herein, except that two (2) employees in

each real estate office located in the Downtown Business District shall be permitted to park a vehicle in said area.

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2. The Board discussed again the proposal submitted by Bill Wilder at the previous meeting for the Town Manager search. Comm. Ross said that Mr. Wilder had come highly recommended, but he thought the Town Attorney should review the proposal. Comm. Rogers was concerned over the lack of a cap on expenses over the \$12,000; Comm. Ross felt that the Board should ask for an estimate; Comm. DeWolf felt that an hourly rate should be provided in the event the contract was terminated.

MOVED BY COMM. ROSS, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO APPROVE THE CONTRACT SUBJECT TO REVIEW BY THE TOWN ATTORNEY, AND SUBJECT TO SUBMITTAL BY MR. WILDER OF AN ESTIMATE OF HIS EXPENSES AND THE HOURLY RATE FOR PARTIAL SERVICES.

3. The Town Engineer had located the right-of-way line at the Joel Crook property on Foreman Road as discussed at the previous meeting; the 28-foot parking area was partly on private property, partly on right-of-way, with the retaining wall on private property. John Cleaveland asked about the dump truck which had been parked there; he wondered if it would remain there. Planning Director Joe Cooley said that State D.O.T. regulations required there to be enough room to turn so that a vehicle does not have to back into a State Road; therefore, the parking could only be used for passenger vehicles. Comm. Ross had some concern over a commercial vehicle parked in a residential area, but Comm. Dotson pointed out that if the parking area were completely on his property, the Town could not object.

MOVED BY COMM. ROGERS, SECONDED BY COMM. ROSS, AND CARRIED TO APPROVE THE STRUCTURE ON THE RIGHT-OF-WAY SUBJECT TO ISSUANCE OF A REVOCABLE LICENSE AGREEMENT. Comms Rogers, Ross, DeWolf, and Patterson voted "aye;" Comm. Dotson voted "nay."

VII. New Business.

1. Paul Iannacone was present with petitions from 100% of the property owners in the vicinity of Azalea Circle, as discussed at the May 21 meeting, requesting that the roads be accepted by the Town and paved. After some discussion, the Board agreed for the Town Engineer to consult with a surveyor and research the status of the right-of-way of the roads in the area, then meet with the Public Works Committee, then the Board for consideration of the request.

2. The Board considered the amendment of the Zoning Ordinance concerning library parking, subject of a public hearing preceding the meeting.

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

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(1) Amend Article 300, Off-Street Parking and Loading, Section 302, Parking Schedule, to add: "Libraries – Required Parking: One (1) space for each five hundred (500) square feet of gross floor space."

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3. MaryAnn Sloan, Chair of the Affordable Housing Task Force, was present to follow up on the presentation she had made at the June 4 meeting. She explained that the Highlands Community had determined there was a need for affordable housing at least ten years ago, and her task force had been working for 18 months and had found that it was possible. In order to proceed with funding, however, she requested that the Board provide a letter of commitment to

provide water and sewer service for the 48 units on the six-acre site off Buck Creek Road. She pointed out that the Town already provided water and sewer to Highlands-Cashiers Hospital and the Chestnut Hill retirement community because they were essential services and paid the required rates; the apartment complex, called Shortoff Woods, would do the same. She asked that the Board make a decision no later than August 6.

Ms. Sloan then fielded questions from several in the room. She said that the apartments would be run by a for-profit corporation set up for this specific apartment complex, and described how priority for residence and rents would be established. \$750,000 would be raised privately as a local match for the \$6.5 million project. The complex met all watershed requirements and would adhere to strict guidelines. Judy Michaud expressed concern over traffic at the Buck Creek Road/US-64 intersection, and the strain on services and on the local school. John Cleaveland and Mike Bryson expressed concern over the precedent of providing water and sewer outside of Town to a private entity. The Mayor pointed out that the housing would be for a target workforce consisting of schoolteachers, childcare workers, police officers, Town employees, healthcare professionals, retail business staff, and other service providers who are essential to the quality of life in Highlands; he thought the Town would be in trouble if it did not provide housing for this segment of the workforce.

The Board agreed after some discussion to place this item on the agenda of the August 6 meeting.

VIII. MOVED BY COMM. DOTSON, SECONDED BY COMM. ROSS, 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 8:30 p.m.

Richard Betz, Town Clerk