

REGULAR BOARD MEETING of August 20, 2008, with Mayor Don Mullen and Comms. Amy Patterson, Hank Ross, Dennis DeWolf, Larry Rogers, and John Dotson present.

Also present were Richard Betz, Bill Coward, Lamar Nix, Josh Ward, Alan Marsh, Cheryl Miller, Wilda Boyette, Kim Lewicki, Melody Spurney, Thomas Young Sr., George Siek, and Dennis Matthews.

I. Call to Order.

The Mayor called the 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 approval of preliminary and final subdivision plats for Tommy Chambers had been erroneously omitted from the agenda and asked that it be included under New Business.

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 August 6 Public Hearing and Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that the Town Administrator had prepared and included

in the agenda package a comprehensive report on the status of major projects; he thought the Board should hold a special meeting and prioritize the projects.

2. The Public Works Committee had met on August 13 and discussed several items which were on the agenda. Comm. Ross reported that, in addition, he, the Town Engineer, and Comm. Marsh had looked at possible alternative designs for a sidewalk along Chestnut Street between Fifth and Sixth. He also discussed a possible problem, brought to his attention by the Police Chief, with paving and tree trimming companies parking equipment on Oak Street and depositing asphalt on the shoulder of the road.

3. The Town Administrator reported that he had declared a Stage II Water Shortage the previous week. Although conservation had reduced consumption over the weekend according to the Water Plant Operators, supplies were still very low and he would be extending it indefinitely and would appreciate continued conservation. He also referred to the report the Mayor had mentioned on the status of many uncompleted projects; he thought the Board might consider having a retreat to prioritize the items when the new Town Manager was on board. He also reported that the NCLM centennial conference was scheduled for October 12-14, and asked any Commissioners interested in attending to coordinate with him. A petition had also been received from 12 residences of Trillium Place requesting the Town to clear brush from the creek behind their property and alleging that the culverts on Leonard Road and Horse Cove Road were too small. The Town Engineer reminded the Board that the D.O.T. had considered the request to replace the culvert on Horse Cove Road and denied it some time ago; a new culvert could in fact worsen the possibility of flooding. Finally, he reported that bids on the Harris Lake Sewer Project were scheduled to be received at 12:00 noon on September 24, and he hoped they could be approved at the October 1 Board meeting.

V. Old Business.

1. Amendment of the Town Charter to provide for a Council-Manager form of government had been the subject of a public hearing at the August 6 meeting.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO AMEND THE CODE AS FOLLOWS:

Amend Section 4.1 of Charter

Sec. 4.1 "Form of government" shall read, "The town operates under the council-manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes."

2. The Board discussed several e-mail communications from Bill Wilder concerning the Town Manager search. Mr. Wilder was planning to be in Highlands on September 2 and 3 and would be scheduling meetings with Board members, Department Heads, the Town Attorney, and the Town Administrator. In addition, he had asked the Board to appoint a Community Representative Focus Group; names

were to be forwarded to Mr. Wilder.

3. The Board considered several public works items discussed at the previous meeting, as well as tree planters in the center of Main Street which the Public Works Committee had discussed on August 13; the cost estimate for eleven planters was \$66,000, and would include zelcova trees.

Paving Wyanoak Road	\$63,010
Curb & gutter Mountain Brook Center	13,500
Various handrails	14,000
Tree planters & trees	66,000

The Wynaoak Road paving had been completed, leaving a total of \$93,500 additional projects, out of a line-item of \$200,000 in the FY 08-09 budget; about \$43,500 would remain. Comm. Patterson thought that the Board should consider deferring some of the projects until the cost of paving Azalea Circle and Dogwood Drive was known. Comm. Dewolf felt that some of the handrails should be installed, and the Town Administrator agreed, pointing out that they were potential liability risks.

The Board then considered a petition to pave a road from Cheryl Miller and several property owners on Dogwood Drive, which had been on the agenda under New Business later in the meeting. Ms. Miller presented a petition from 15 property owners on the road, and said that this would complete paving in the area. Comm. Patterson noted that the project would improve property values and wondered if they had considered sharing the cost. Wilda Boyette felt that the project would improve the quality of drinking water in Big Creek by reducing siltation. The Mayor suggested that the Board get a cost estimate on the paving. By consensus, it was agreed that the survey already underway on Azalea circle be amended to include these properties. The Board then considered the public works items again.

MOPVED BY COMM. DEWOLF, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO PROCEED WITH THE CURB & GUTTER, HANDRAILS, AND TREE PLANTERS, AT AN ESTIMATED COST OF \$93,500.

4. The Board then discussed a proposal discussed at the August 13 Public Works Committee meeting to extend a public sewer line along Chestnut Street; Doug Helms had recently extended it from Fifth Street to his property at his own expense. Letters of support had been received from Colonial Pines Inn and Four-and-a-Half Street Inn, and Comm. Rogers said that George Siek had a potential septic tank problem at his Museum of American Cut and Engraved Glass; Mr. Siek was present and confirmed that he and others in the area were willing to connect to the line. The Town Engineer had estimated that the cost would be about \$57,000, although sewer connection fees would help defray part of that cost.

Comm. Patterson reminded the Board that property owners on Pinecrest had experienced septic problems several years ago, but had been assessed the cost of providing sewer to their property; she asked why this situation was different. Comm. Rogers said he felt it was the Town's obligation to provide sewer and it should start somewhere. The Mayor said he thought sewer should be provided pursuant to a master plan, and Comm. Patterson reminded the Board that it had a Master Sewer Plan, prepared by W. K. Dickson several years ago; the Town Engineer pointed out that the Town had extended sewer largely in accordance with that plan, limited only by funding. The Town Administrator pointed out that, as with the Harris Lake Sewer Project, grant funds could potentially be available for sewer projects like this provided they were part of a master plan and followed procedures. Comm. Patterson felt that, unless there was an over-riding need, the master plan should be followed rather than picking and choosing projects.

VI. New Business.

1. The Town Administrator reported that three property owners who owned undeveloped lots in the upper portion of Satulah Ridge Subdivision had asked about annexation in order to have access to sewer service; these lots in the subdivision were outside the Town limits. He said he had written letters, polling all of the residents in the area, and petitions for annexation had been received from six property owners for eight lots: Jennifer Hays, Chauncey Mellor, Richard Moyer, Thomas Mulvey, Stella Tsai, and Phillip Whitaker. Included in the agenda package was his letter certifying the sufficiency of the petition pursuant to G. S. 160A-31(c). Town Attorney Bill Coward reminded the Board that, under G. S. 160A-31(h), it could by ordinance require the petitioners to file a statement declaring whether or not they had established vested rights; he thought this should be required. The Town Administrator agreed to include the provision in the Annexation Ordinance and to send it to him for review.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING FOR THE ANNEXATION AT 7:00 P.M. ON OCTOBER 1.

2. Each Board member had received a report from Town Planner Joe Cooley, who had not been able to attend the meeting, on the proposed parking study; an estimate of \$31,000 had been received from Wilbur Smith Associates to conduct the study, and it was also possible that there could be some cost savings if the firm prepared the Unified Development Ordinance; estimates on the UDO were to be received before the next meeting. Comm. Ross recommended moving forward with the parking study at this time.

MOVED BY COMM. ROSS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO CONTRACT WITH WILBUR SMITH ASSOCIATES TO CONDUCT THE PARKING STUDY FOR AN ESTIMATED COST OF \$31,000.

3. A petition for re-zoning had been received from Thomas E. Young Jr. for a 0.64-acre property on US-64, adjacent to TLC Realty and the Fine Arts Center,

from R-2 to B-4. Thomas E. Young Sr. was present and spoke in favor of the re-zoning.

A petition for re-zoning had also been received from William C. Hawkins II for a 2.032-acre property on NC-106 in the ETJ, from R-4 to B-5. It was noted that both petitions had been submitted several months ago and had been denied.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROGERS, AND UNANIMOUSLY CARRIED TO SEND THE TWO PETITIIONS FOR RE-ZONING TO THE PLANNING BOARD FOR A RECOMMENDATION.

4. Preliminary and final subdivision plats for property owned by Tommy Chambers off Big Bearpen Road, to be donated to the Highlands Land Trust, had been recommended for approval by the Planning Board on July 28.

MOVED BY COMM. ROSS, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO APPROVE THE SUBDIVISION PLATS.

VII. 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 8:25 p.m.

Richard Betz, Town Clerk