

REGULAR BOARD MEETING of June 7, 2000, with Mayor Buck Trott and Commissioners Amy Patterson, Zeke Sossomon, H. N. James, Mike Cavender, and Ron Sanders present.

Also present were Richard Betz, Lamar Nix, Maureen Lackey, Selwyn Chalker, Jerry Cook, Ralph Morris, Alan Marsh, Rosemary Fleming, John Schiffli, Robbie Potts, Terry Potts, Anna Wilson, Bob Wright, George Schmitt, Patrick Herz, Rosemary Fleming, Chuck Cooper, and Lewis Doggett.

A. PUBLIC HEARING.

Mayor Trott called the public hearing to order at 7:00 p.m. and stated that the purpose was to receive comments from the public on amending the Zoning Map by changing the zoning designation of a parcel of property on Chestnut Street, owned by the Town of Highlands, formerly owned by the Community Bible Church, from R-2 Residential to GI Governmental/Institutional. The Planning Board had already recommended re-zoning the property, where the new Performing Arts Center was located, at its meeting of September 27, 1999, and the Board had agreed to proceed with this hearing when ownership had been transferred to the Town. Notice of the hearing had been given pursuant to law, and all of the adjoining property owners had been notified.

There were no comments from the public on the amendment.

MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO ADJOURN THE PUBLIC HEARING. The Mayor declared the public hearing adjourned.

B. REGULAR BOARD MEETING.

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 Clerk asked that the matter of amending the Zoning Map be added to the agenda, reported that John Schiffli had requested permission to speak under an item of New Business, and asked that the Closed Session be amended to state that the purpose was to review an application for employment in the Trimming Department.

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

III. Approval of Minutes.

Copies of the minutes of the May 17 Regular Board Meeting and the May 31 Special Board Meeting had been distributed. The Mayor noted that the time for calling to order the May 31 meeting had been 7:30 p.m., not 7:00 p.m.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS CORRECTED.

IV. Reports.

1. The Mayor reported that Comm. James had attended the June 5 County Commissioners meeting; he had mistakenly understood that the McGill Comprehensive Water/Sewer Study would be presented.

2. The Town Administrator said that he had spoken with Town Attorney

Bill Coward earlier in the day; Mr. Coward had reported that he was working on his brief in the Edwards case, and felt confident that the Town would prevail.

3. Each Board member had received the Public Services Administrator's written report for the month. Lamar Nix was present and reviewed the report with the Board, adding that the Spring Street and other paving was scheduled to begin June 12.

4. Each Board member had received the Police Chief's written report for the month. Jerry Cook was present and reviewed the report with the Board.

5. Each Board member had received a copy of the Recreation Director's report for the month. Selwyn Chalker was present and reviewed the report with the Board.

6. Each Board member had received a copy of the Town Planner/ Zoning Administrator's report for the month. Maureen Lackey was present and reviewed the report with the Board.

7. Each Board member had received a copy of the Treasurer's Report for the month.

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

8. The Town Administrator reported that \$35,000 had been received in contributions to the Bowery Road Escrow Fund.

V. Old Business.

1. In response to the Board's request at the previous meeting, The Town Administrator distributed copies of a letter dated June 7 from Susan Rabold, Director, MetroSite Management, and a chart providing some comparative information on suggested lease rates.

Chuck Cooper was present and distributed copies of information on "FM Tower Rent in Our Area," provided by Gordon Van Mol, and also, later in the meeting, a rental fee schedule from the U. S. Government for a tower in Scaly Mountain. Mr. Cooper said he felt the rates were extremely high.

Comm. Sanders felt that the suggested rates represented a big increase. Comm. Patterson said she thought the Board needed to take into account the value the site gives the company; it was the cost of doing business. Comm. Cavender felt that the Town had relied on this company to give advise on what rates others were getting; space on a tower was a commodity, and it should be sold at the going rate.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, TO APPROVE THE RECOMMENDED RATES.

The Board then discussed the rates at some length. Comm. James said that all of the lessees had the option of going to another site if they chose. Mr. Cooper said that that was not exactly the case in Highlands. He pointed out that MetroSite was interested in more money because it took a percentage of the leases; he felt the rates were not appropriate for small radio stations like his, and he begged the Board to be reasonable.

Comm. Patterson felt that the suggested rates were not that much out of line. Comm. Sossomon said that the information provided was not what had been asked for; he felt that information should be provided from several cities in Western North Carolina, closer to this area, with comparable size markets.

Comm. Cavender said that this matter could not be postponed forever; he nevertheless agreed to withdraw his motion.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO DEFER APPROVING THE LEASES AND ADOPTING THE AMENDMENTS UNTIL ADDITIONAL INFORMATION IS PROVIDED CLOSER TO THIS AREA, WITH COMPARABLE SIZE MARKETS, AND ALSO TO EXTEND THE MORATORIUM ANOTHER THIRTY (30) DAYS.

2. Each Board member had received a copy of the Planning Board minutes of May 22, 2000, with the Town Planner's report earlier in the meeting. Maureen Lackey reported that the Planning Board had invited all of the property owners along Spring Street to attend the meeting and provide input on the "B-2A" zoning district proposed for the street. She said that approximately 75% of the property owners had been represented, and all of them were opposed to doing anything with Spring Street. Based on that input, the Planning Board had voted to abandon the B-2A idea.

VI. New Business.

1. A public hearing had been held immediately preceding this meeting to receive comments from the public on amending the Zoning Map by changing the zoning designation of a parcel of property on Chestnut Street, owned by the Town of Highlands, formerly owned by the Community Bible Church, from R-2 Residential to GI Governmental/Institutional.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO AMEND THE ZONING MAP AS INDICATED.

2. Robbie Potts was present to discuss the Parking Ordinance. As a realtor on Main Street, he requested that the Board provide some relief from the Ordinance. He said that his business was different from that of shops, and he felt that he had to have vehicles for its operation. With no parking on Church Street, he felt the Ordinance was a detriment to his business. He asked the Board to consider issuing parking passes for realtors.

John Schiffli Jr. was present, and said that as a real estate broker he seconded Mr. Potts's comments. He pointed out that, unlike a retail shop, his inventory was in the field; it was not feasible to live with a situation where the nearest parking was three blocks away, and it would in effect zone him off of Main Street. He also said that he had reviewed the minutes of the Parking Committee, and he felt its recommendation had been based on bad information. He pointed out that only four of the nine members had attended the first and second meetings, and he did not know how many had attended the third; he did not think that the recommendation was the unanimously decision of the Committee. He also noted that the Town Board minutes had referred to Ben Loeb and Richard Ducker at the Institute of Government as having said the Ordinance was legal; he had spoken with Ben Loeb and been told that he had no recollection of the Ordinance and did not know if it was legal or not, and Richard Ducker had also not given an opinion. He had then called the Chief of Police in Americus, Georgia, where the model Ordinance had come from, and had been told that they did not write tickets nor enforce the Ordinance. Moreover, three attorneys he had conferred with felt the Ordinance was unconstitutional; they had told him the Town could not pick out a group of people and say they could not use public right-of-way, especially if it hurt their businesses. He also noted that it was difficult to tell when a vehicle was being used for business or church activities. Finally, he noted that there had not been a public hearing, and he felt that Comm. Cavender should have recused himself.

Mayor Trott pointed out that he had asked Comm. Cavender to serve on the Committee, and he had also appointed realtors to the Committee.

George Schmitt was present, and said that Schmitt Building Contractors was a large company employing 80 people which had been in business for 31 years. Out of a staff of eight, four secretaries parked on Oak Street or in the Municipal Parking Lot, but the other

four frequently needed to meet with clients, subcontractors, etc. He also pointed out that the street was not Main Street, but a side street; he felt that some consideration ought to be given for one- to two-hour parking, which would permit businesses to conduct business in a proper manner.

The Mayor said he appreciated the input, but pointed out that the Ordinance had been adopted because people were failing to come downtown and find parking spaces. Much discussion then ensued. Patrick Herz pointed out that now those people could park there, but realtors could not. George Schmitt said that he had moved to Highlands in 1965; people were complaining about a lack of parking then, and they had been saying the same thing for 35 years. Comm. Cavender said that two studies in recent years had indicated that Highlands did not have a parking problem, it had a parking management problem. He also said that Fourth Street had been included because the Committee had felt Main Street business employees might park there. Maureen Lackey said that the whole point of the Ordinance had been to help people on Main Street; in view of the comments received, she felt that perhaps the Parking Committee ought to revisit it. Comm. Cavender announced that the Parking Committee would be meeting on July 10 at 7:00 p.m. Several of the realtors asked for some kind of relief pending the Parking Committee meeting again. Comm. James felt that those present had some legitimate concerns, and that it would be unreasonable to wait until July 10 to address them.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO RE-SCHEDULE THE BOARD'S JUNE 21 MEETING TO JUNE 14, TO PLACE THIS ITEM ON THE AGENDA FOR DISCUSSION, AND TO SUSPEND ALL ENFORCEMENT OF THE ORDINANCE UNTIL THEN.

3. The following informal sealed bids were opened and read for surplus Town vehicles advertized for sale:

- Fred Munger: \$1,505 for 1989 Dodge pickup truck
\$1,001 for 1995 Crown Victoria police car
- Dale McMahan: \$756 for 1995 Crown Victoria police car

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO SELL THE TWO SURPLUS VEHICLES TO THE HIGH BIDDER, FRED MUNGER.

4. One informal proposal had been received on the provision of vehicle fuel for the coming fiscal year, from D & J Express Mart: the bid was for a 3.0% discount per gallon on all types of gasoline and diesel fuel.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE CONTRACT.

5. One informal proposal had been received on the cleaning of the public rest rooms and conference room, from Johnny Stanfield: \$940.00 per month for the rest rooms and \$45.00 per month for the conference room, the same amount as last year.

MOVED BY COMM. SANDERS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE CONTRACT.

6. One informal proposal had been received from Western Carolina Communications for communications equipment service. The bid indicated an increase from \$116.00 to \$275.50 per month, a considerable increase. After some discussion, the Board agreed for the Public Services Administrator and the Police Chief to review the proposal and report back to the Board.

7. Town Engineer Lamar Nix said that Robbie Reid, owner of a large tract being developed on the West Shore of Lake Sequoyah, had approached him about providing electrical service and also removing a Town electric line across the Lake; he understood he had also

approached Nantahala about removing a Nantahala line across the Lake, and he had offered to provide a right-of-way across his property in order for the line along Arnold Road to be reconstructed. Mr. Nix said that Nantahala had expressed an interest in crossing the Lake at the dam, where the Town line crossed to serve the Wastewater Treatment Plant. After considerable discussion, Mr. Nix was authorized to negotiate an agreement with Nantahala whereby the Town would control the right-of-way, Nantahala would construct the line and set the poles, and the Town would own the poles, and also to resolve who would serve the area. Mr. Nix said he would report back to the Board when he had more information.

8. The Board discussed at great length the setting of permit fees for Boat Permits on Lake Sequoyah.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO SET AN ANNUAL BOAT PERMIT FEET OF \$10, AND A ONE-TIME BOAT PERMIT FEE OF \$5.

9. The Town Administrator reminded the Board that it had approved a joint ten-year Comprehensive Solid Waste Management Plan with Macon County on June 18, 1997. The Statutes required that an update be approved every three years, and he said McGill Associates had been contracted by the County to prepare it. He had forwarded the necessary information, and expected to be able to provide a draft of the update for review before the June 28 meeting, at which time a resolution approving the update would be placed on the agenda for approval.

10. Alan Marsh was present, and noted that there had been discussion earlier in the meeting about the narrow width of Church Street; he felt the Board should consider widening it, and placing the project ahead of Maple Street in priority. He also said that, if he understood correctly, the Town did not want anything further on Spring Street; he believed strip development would occur there and would hurt the Town.

11. MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO REVIEW AN APPLICATION FOR EMPLOYMENT IN THE TRIMMING CREW, PURSUANT TO G.S. §143-318.11(A)(6). All present left the room except the Town Administrator and Public Services Administrator.

The Public Services Administrator reviewed an application from Brian Abbott with the Board. He said he had not yet had the opportunity to check his references or ask the Police Chief to provide a background check, but he recommended employing Mr. Abbott contingent on a favorable review.

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

12. MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO EMPLOY BRIAN ABBOTT IN THE POSITION OF TREE TRIMMER, PROVIDED HIS REFERENCES AND BACKGROUND ARE CHECKED BY THE PUBLIC SERVICES ADMINISTRATOR AND POLICE CHIEF, AT THE BEGINNING SALARY OF 10-1 (\$18,475).

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

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

Richard Betz, Town Clerk