

REGULAR BOARD MEETING of June 14, 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, Maureen Lackey, Jerry Cook, Kim LeWicki, Bob & Nancy Mills, Thomas Craig, John & Marlene Schiffli Sr., John Schiffli Jr., Liz View, Joe Luke, David Young, George Schmitt Jr., Dave Clary, Rod Swanson, Cindy Minors, Bill Bubenick, Paul & Jan Chmar, Patrick Herz, Wes Wilson, Rosemary Fleming, Terry Potts, Robbie Potts, Mozelle Edwards, Marsha Fishkin, Joe Schmallo, Mary Matthews, and others.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 7:00 p.m. The meeting had been re-scheduled from June 21.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS DISTRIBUTED.

III. Approval of Minutes.

Copies of the minutes of the June 7 Regular Board Meeting had been distributed.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

IV. Reports.

1. The Mayor reported that he would be attending a Department of Environment and Natural Resources meeting in Asheville the following Monday, and then the North Carolina League of Municipalities Board meeting and Town Hall day on June 20 and 21.

V. New Business.

1. The Town Administrator reported that Bill Coward had been unable to be present, but had reviewed the Downtown Business District Parking Ordinance adopted on April 5, 2000. He had told him that the Ordinance was constitutional, that there was no violation of either due process or equal rights, and that he stood by his original opinion; the statutory authority was G. S. §160A-301, which gives municipalities broad power to regulate parking on public streets.

He also reported that he had received a petition signed by approximately 20 downtown businesses that were opposed to the Parking Ordinance, and a petition signed by approximately 50 downtown businesses either "in favor of enforcing the existing parking ordinance" or "disagreeing against (sic) suspension of parking ordinance."

The Mayor explained that the Board had not wanted to hurt anyone by adopting the Parking Ordinance, but had heard last week that it had affected at least two real estate companies. The Board realized that some compromise was necessary and that the Ordinance would need to be "tweaked" after it had been in effect for some time. He reminded everyone that the Parking Committee had included broad representation from the business community.

Bill Bubenick was present, and asked to speak on behalf of several downtown merchants whose 50 names had been submitted on a petition

supporting the regulations. He said that since the Ordinance had been in effect shopping had increased due to parking availability, and he felt that the Board had dealt with the parking management problem effectively, preserving the vitality of Highlands and its tax base, as well as demonstrating a commitment to making the downtown area accessible to all. He did agree, however, that the special needs of some businesses should be addressed.

Jan Chmar said that she had avoided Main Street like the plague during the summers in the past because of the lack of parking, but was delighted to find some this season.

Mary Matthews pointed out that realtors needed to find other places to park anyway, since when they moved from the places in front of their businesses those places would be taken by others.

John Schiffli Sr. felt that the Town was getting into employment practices that were discriminatory. He had researched the matter on the internet and felt that the Ordinance did not address handicapped people.

John Schiffli Jr. felt that the Parking Committee had ignored the needs of working people making \$8/hour, who were carrying the burden of the regulations. He suggested that a downtown business owners' association be formed to address the parking problem.

Rosemary Fleming, an employee of Cyrano's Bookshop, said that she had received nothing but positive feedback. The parking along the sides of Main Street worked well for people visiting for the day, while the two-hour parking in the center provided turnover for those in and out briefly.

Cindy Minors thought the Board's conclusions had been faulty, and had discounted the effects of two restaurants closing on Main Street.

She felt that the Town had done a lot to discourage people from coming, and suggested that the Town come up with a place for people to park.

Patrick Herz agreed; he said that anyone in Town this last week, during which enforcement of the Ordinance had been suspended, would have noticed that there were plenty of places to park, except for noon on Saturday.

Dave Clary said that he did not think the Committee had realized the impact of the Mountaineer Restaurant closing on Main Street. He also said that his business depended on employees constantly going to jobs, visiting homes, etc.; the Ordinance would not even permit him to unload merchandise from his warehouse in another part of Town.

Joe Luke, owner of Reeves Hardware, said he had worked in Highlands for 39 years, and had seen a lot of changes. Transactions in his business had increased 20% over the last three years, requiring more parking spaces. When the Ordinance had been placed in effect, he had counted 23 vehicles parked all day on Third Street. He felt that people ought to have the decency not to block parking in front of other businesses. He thought the Ordinance was needed, and felt that the Board could come up with a happy median. Timed parking at least got people to move vehicles that were parking all day on public streets.

Nancy Mills, owner of two businesses on Main Street, said that she had never been able to park in front of or behind her stores. She said that she walked a long way to get to her store, and was upset when employees of other businesses took up spaces on Main Street.

Bob Mills felt that the Ordinance was working, and that customers could now find a place to park. He agreed, however, that active realtors should be allowed to park on Main Street.

Mozelle Edwards said that guests at the inns on Main Street had complained about the timed parking.

John Schiffler Jr. reiterated his comments at the previous meeting about the Parking Committee never having had a quorum. He felt the Town should throw out the Parking Ordinance and start from scratch. He also said that he was zoned off of Main Street.

Patrick Herz asked if it would not have been advisable to hold a public hearing before adopting the Ordinance.

Comm. Patterson thought that there was a parking management problem, and while she did not own a business on Main Street she had heard from many people who were unable to come to Town because they could not park. The intent of the Ordinance was not to harm people, but to prevent some people from monopolizing spaces eight hours at a time. The Ordinance was not perfect, but she felt it needed to be modified rather than thrown out. She also felt that the Board needed an entire season to see the effects of the Ordinance, not one month.

Marsha Fishkin felt that the goal of the Town should be to encourage people to come to Highlands and have a pleasant experience. She felt that perhaps the center parking should be extended to four hours; two hours was not long enough to eat lunch and shop.

Joe Schmalzo felt that there was a need for merchants and employees to get together and ask their employees to get off of Main Street; if they had done so, there wouldn't be a problem now. Efforts had been tried in the past, but there was always a small percentage who would not park off Main Street. Perhaps realtors, pastors, and others with special situations needed to be granted variances for parking, but he felt everyone needed to work together, not fight.

Ralph Deville, a member of the Parking Committee, said that he wanted to hear from realtors and others when the Committee meets again in July.

George Schmitt Jr. said that he would prefer two-hour parking in front of his business that he knew he could use, and he felt Dave Clary was in the same position.

Bob Mills proposed that two-hour parking be designated on Fourth Street, and each real estate company be provided two permits to park on Main Street. But he felt the Ordinance needed to remain in place in the meantime.

Comm. Cavender said that he had heard legitimate concerns from realtors and others who needed to get in and out of their businesses. He had no problem making an accommodation for such businesses, but he felt that the Ordinance had had an overall positive effect.

Terry Potts reiterated the concerns he expressed at the previous meeting about the importance of being able to get quick access to a vehicle, especially with Church Street parking eliminated; he felt that some kind of permit system would work.

Comm. Sossomon felt that the Board had two choices: either grant exemptions while keeping the Ordinance in place, or change what is now in place.

Comm. James felt that designating two-hour parking on Fourth Street would address the problems of Dave Clary and George Schmitt, and he also felt that Third Street should be designated two-hour parking.

There was much discussion concerning a suggestion that special permits be issued for realtors or other categories of business, and what the criteria would be for granting such exemptions.

Mayor Trott pointed out that the Ordinance only regulated "persons employed by or operating" businesses; in his opinion it would therefore not apply to real estate agents who operated as independent contractors rather than employees.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, TO REFER THE QUESTION TO THE PARKING COMMITTEE, ASK FOR A RECOMMENDATION BY THE NEXT BOARD MEETING, AND TO CONTINUE SUSPENDING ENFORCEMENT OF THE ORDINANCE IN THE MEANTIME. After considerable discussion, Comm. Sanders withdrew his motion.

Comm. Patterson suggested that persons affected be permitted to file a written grievance with the Committee, and in the meantime be exempt from the Ordinance. Many other suggestions were made.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, TO DESIGNATE THE PARKING ON FOURTH STREET FROM PINE TO SPRING STREET AS TWO-HOUR PARKING, BUT ALSO AVAILABLE TO BUSINESS OWNERS AND EMPLOYERS, TO DESIGNATE PARKING ON THIRD STREET FROM MAIN TO SPRING STREET AS TWO-HOUR PARKING, NOT AVAILABLE TO BUSINESS OWNERS AND EMPLOYEES, TO LEAVE THE PARKING ON MAIN STREET AS IT CURRENTLY IS, AND TO GRANT FOUR TEMPORARY PERMITS FOR EACH OF THE REAL ESTATE OFFICES ON MAIN STREET, WITH THE PLANNING COMMITTEE TO MEET ON JULY 10 TO DISCUSS CRITERIA FOR GRANTING EXEMPTIONS. The motion failed to carry, with Comms. James and Sanders voting "aye" and Comms. Sossomon, Cavender, and Patterson voting "nay."

MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND CARRIED, TO KEEP THE DOWNTOWN BUSINESSES DISTRICT PARKING ORDINANCE IN EFFECT, BUT TO PERMIT BUSINESSES TO APPLY FOR TEMPORARY EXEMPTIONS, THOSE APPLYING BEING GIVEN A GRACE PERIOD DURING WHICH NO CITATIONS WILL BE ISSUED UNTIL THE PARKING COMMITTEE CAN MEET AND MAKE A RECOMMENDATION TO THE BOARD ON GRANTING EXEMPTIONS. Comms. Patterson, Cavender, Sanders, and Sossomon voted "aye;" Comm. James voted "nay."

VI. MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADJOURN.

By consensus, the Board agreed not to go into Closed Session pursuant to the agenda to discuss employee salaries.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:00 p.m.

Richard Betz, Town Clerk