

REGULAR BOARD MEETING of May 21, 2003, with Mayor Pro Tem Amy Patterson and Commissioners H. N. James, Ron Sanders, Hank Ross, and Mike Cavender present.

Also present were Richard Betz, Lamar Nix, Larry Gantenbein, Kim Lewicki, Arthur Paoletti, Earle Young, Bill Mann, Dixie Barton, Rick Siegel, Bill Rethorst, Ginger Slaughter, Tony Potts, Bill Nellis, John Dotson, Alan Schultz, Jack Bourneman, Alan Marsh, Barbara Werder, Gus Lard, Tucker and Jeannie Chambers, and many others.

I. Call to Order.

Mayor Pro Tem Amy Patterson said that Mayor Buck Trott was in Raleigh attending Town Hall Day, and 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.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS DISTRIBUTED.

III. Approval of Minutes.

Copies of the minutes of the May 7 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Town Administrator reported that the petition for annexation from W. E. and Marie Haynes, John King Logan and Janet S. Young, and Mary Berry had been temporarily withdrawn.

V. Old Business.

1. Comm. Cavender reported that the Street Department had reviewed the feasibility of placing benches on the public sidewalks as part of its survey of sidewalks; the issue had been referred to the Land Use Planning Committee last year but never addressed. The Committee agreed that such benches should be permitted, provided a clearance of six feet was maintained in front of the bench, that they be permanently affixed to the sidewalk, and that a revocable license agreement be executed with the Town. Larry Gantenbein confirmed that he could investigate individual requests and report back to the Board. Comm. Ross felt that standards should be developed for benches--as well as other streetscape items, such as lighting, trash cans, tree plantings, and the master sidewalk plan--if the Town wanted to have a theme for the downtown area; he suggested that the Planning Board or Appearance Commission develop such a plan. Comm. Patterson asked how many benches it would be possible to place on the sidewalks; Comm. Sanders replied that there would be room for very few due to several planters. Comm. James said that previous Boards had put a lot of effort into limiting obstructions on the sidewalks; he felt that if the Town was not careful, it could wind up with more of a problem. He agreed with Comm. Ross that the Planning Board should study the issue. Comm. Cavender pointed out that the Town sought to be pedestrian friendly, and he felt it would be nice to provide a place for people to sit. Comm. Patterson replied that it would also be nice to be able to walk on the sidewalks.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND CARRIED TO PERMIT BENCHES ON PUBLIC SIDEWALKS AS PROPOSED BY THE STREET COMMITTEE, SUBJECT TO A CLEARANCE OF SIX FEET AND A REVOCABLE LICENSE

AGREEMENT APPROVED BY THE BOARD ON A CASE-BY-CASE BASIS.
Comms. Cavender, Sanders, Patterson, and Ross voted "aye;" Comm.
James voted "nay."

2. The Street Committee had reviewed public sidewalks to determine which were in need of repair; Town Engineer Lamar Nix had expanded on that review, and he presented a map indicating the locations needing repair. They included concrete sidewalks at Wright Square, Highlands Suite Hotel, Second Street, NC-28, South Street, Fifth Street above the school, the Hilltop Grill, US-64 at the Prince House and at Foreman Road, Chandler Inn, Pine Street, and Fifth Street north of Carolina Way. The estimated cost was \$32,000 and the optimal time to make the repairs was September. Comm. James suggested the bulk of the work be postponed until the new budget, but in the meantime some immediate repairs could be made for public safety.

MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO ACCEPT THE TOWN ENGINEER'S REPORT, POSTPONE MOST OF THE WORK, AND ASK THE TOWN ENGINEER TO PROCEED WITH IMMEDIATE REPAIRS.

The Street Committee had also reviewed a request for the installation of brackets and hanging flowers on Town utility poles proposed by Earle Young at the previous meeting. Comm. Cavender said the Committee appreciated what Mr. Young wanted to do, but felt that it would be better to wait until the Downtown Highlands Historic Merchants Association was formed so that the Town had an organization to deal with, rather than an individual. Mr. Young was present and asked if he could put up, on a temporary basis, some 25 baskets of flowers that he had already obtained. He also said that the map that he had proposed at the previous meeting would include all merchants, whether they paid for advertisements or not. The Mayor Pro Tem said that the proposal sounded good, but that the Committee felt the Town should wait until the organization had been formed.

3. Comm. Sanders reported that he and Comm. Ross had reviewed the landscape proposals received at the previous meeting, and recommended awarding a contract to Tate Landscape Services LLC. The cost of general maintenance would be \$7500 annually, less than the other proposal, and the unit costs appeared to be comparable. The Board also agreed that the contract should be based on the fiscal year 2003-04, and that next year the contract should be changed to a calendar year.

MOVED BY COMM. ROSS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE THE LANDSCAPE CONTRACT FOR THE COMING FISCAL YEAR.

Comm. Ross suggested that he and Comm. Sanders meet with Jim Tate and determine which annuals and perennials to plant, and the Board agreed by consensus. Comm. Sanders had also noted that the maple tree in the tree planter at the west end of Main Street was dead and needed to be replaced.

4. Town Planner Larry Gantenbein reported that he had been unable to locate the source of the information at the previous meeting alleging that Macon County population growth would increase from 28,000 to 100,000 by 2020. He had, however, learned from a State demographics division site, based on research from WCU and UNC-Chapel Hill, that the projected population in the County by 2020 would be between 40,000 and 45,000. He said that he had also spoken with Marketek, learned that they were still interested in doing a population study for Highlands, and discovered that it could begin this Fall and complete the study by next February or March. The cost would be \$10,000 for Highlands, or \$15,000 for the entire plateau, which it was agreed would consist of the Highlands Township; the price would be adjusted based on information that the Town would provide. The study would also include review of the W. K. Dickson population figures used in the WWTP Preliminary Engineering Report.

Comm. James asked if he had contacted any other firms, and was told no.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. ROSS, AND CARRIED TO ENTER

INTO NEGOTIATIONS WITH MARKETEK FOR A POPULATION STUDY OF THE ENTIRE TOWNSHIP, AND TO WORK WITH THE PLANNING BOARD ON DEVELOPING PARAMETERS FOR THE STUDY. Comm. Cavender said that if the Town was preparing to spend between \$4 and \$6 million on a WWTP expansion, he felt the figures out to be reviewed. Comm. Sanders asked if the Town did not already have most of the information; the Town Administrator replied that much of the data had been accumulated by him and the Town Planner for the Land Use Planning Committee last year. Comm. Cavender said that there was a lot of dispute over the Dickson figures, and he felt the Town needed an unbiased review in order to know, when building it, if the Wastewater Treatment Plant expansion was really needed. The motion carried, with Comms. Cavender, Ross, and Patterson voting "aye," and Comms. James and Sanders voting "nay." Comm. James said that he disagreed with the motive for the study.

VI. New Business.

1. Nomination forms for various Boards and Committees had not all been turned in for tabulation, and the Board agreed to defer action until the next regular Board meeting.

2. Bill Nellis was present to request an amendment of Section 403 of the Zoning Ordinance, which prohibited off-premise signs. He proposed that the Board consider permitting such signs for real estate open houses, and said that he had letters of support from the Chambers Agency, Prudential Highlands-Cashiers Real Estate, Country Club Properties, and John Schiffli Real Estate; a letter of support from John Cleaveland Realty had been submitted earlier and included in the agenda package. Mr. Nellis suggested that "open house" signs be permitted based on certain criteria: 10-foot setback from the road, owner's permission where the signs were located, size the same as real estate signs, only two off-premise and one on-premise sign per open house, and hours limiting display between the hours of 10:00 a.m. and 7:00 p.m. He said display of the signs would be self-policed, and he also suggested that the amendment be reviewed again in six months.

Comm. Cavender asked what an open house was, and was told that it was an event where a time had been planned for people to come to property, with somebody on duty, either a real estate agent or an owner, during that period of time. Comm. Cavender pointed out that an owner selling his home could have an open house every day for a year. He said that the Ordinance had been put in place years ago when he had been on the Board to rid the Town of the proliferation of such signs, and he felt that the Town had looked better as a result; he hated to see the policy reversed just because it was a slow time for real estate.

MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO SEND THE MATTER TO THE PLANNING BOARD FOR RECOMMENDATION.

3. The Town Administrator said that several Commissioners had asked if the Town was eligible to receive the proceeds from the Room Occupancy Tax which was now received by the Chamber of Commerce; the Mayor had suggested that this item be placed on the budget. A copy of the enabling legislation, Senate Bill 948 enacted in 1986, had been included in the agenda package; he said that the County Manager had confirmed that the County Board of Commissioners could decide, by resolution, to distribute the \$225,000 annual proceeds from the tax to the Town rather than the Chamber of Commerce.

Comm. Ross said that he did not think the Town should get into the Occupancy Tax; it had no expertise, and would need a Board like the Chamber of Commerce, which already had an organization of professionals in place. Comm. James said that he was disappointed that the Chamber had decided to no longer provide support for the public restrooms; it seemed to him as if they were trying to promote Highlands, but would not take any responsibility to take care of the tourists that came. Arthur Paoletti was present and said that he had seen lots of Towns provide public restrooms, and he felt that the Chamber of Commerce should not have to fund them. Comm.

Patterson asked if it was his job to bring tourists in, and the Town's job to take care of them. Comm. James felt that public restrooms were a legitimate use of the occupancy tax money. Comm. Patterson agreed, and said that she was very disappointed that the Chamber had reneged on a gentleman's agreement; she felt that public restrooms were not used by taxpayers, but by tourists. The question had raised some concern about oversight of the \$225,000.

Barbara Werder was present and said that it was never the intention of the Chamber of Commerce to cause a problem. She said that nothing had been set in stone; the Chamber had taken the opportunity to acquire a building in Wright Square and combine its facilities together with a restroom, and was still considering the proposal. She said that the Chamber had invited Town Board members to a retreat and had offered information to them, and she reiterated that the decision was in no way final; she offered to talk further with a Committee of the Board.

Comm. James said that he agreed with Comm. Ross that the Town did not want to get into the Occupancy Tax. Comm. Patterson commented that two more restroom stalls would not alleviate the problem; she felt that it had been a rationalization for removing funding from the existing public restrooms, and she thought that the new restrooms should be usable and readily accessible. Comm. Sanders asked if the proposed new restrooms would be open 24/7; Ms. Werder said that that was also under consideration.

Alan Schultz said that the Chamber prepared an audited statement to the County each year, and nothing had ever been questioned about use of the occupancy tax; he offered to explain the budget in detail, and said he would be glad to discuss the Chamber's use of tourism dollars.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO DESIGNATE THE FINANCE COMMITTEE AS THE COMMITTEE TO MEET WITH CHAMBER OFFICIALS AS MS. WERDER PROPOSED.

4. Each Board member received a copy of the proposed FY 03-04 budget, as well as a memo from the Treasurer detailing the discussions and recommendations of the Finance Committee at meetings held on May 13 and May 20.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO SET A SPECIAL MEETING FOR MAY 28 IN ORDER FOR THE BUDGET TO BE FORMALLY PRESENTED AND DISCUSSED IN A WORK SESSION.

5. MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(2) TO REVIEW THE RECOMMENDATIONS OF THE SCHOLARSHIP COMMITTEE; AND PURSUANT TO G. S. §143-318.11(A)(6) TO REVIEW APPLICATIONS FOR EMPLOYMENT IN THE STREET DEPARTMENT AND TO REVIEW INDIVIDUAL SALARIES FOR THE UPCOMING FY 03-04 BUDGET. All present left the room except the Clerk and the Public Services Administrator.

- A. The Board reviewed the recommendations of the Scholarship Committee, as contained in a letter from the Town Attorney.
- B. Public Services Administrator Lamar Nix said that he had reviewed several applications for employment, and he recommended transferring Norman Houck from the Trimming Crew to the Street Department at the same salary. At the same time, he recommended employing Robert A. McMahan in the Trimming Crew at the beginning salary.
- C. The Board reviewed the recommendations of the Town Administrator for individual merit and longevity salary increases for the upcoming year.

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

6. MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, AND

UNANIMOUSLY CARRIED TO TRANSFER NORMAN HOUCK FROM THE TRIMMING CREW TO THE STREET DEPARTMENT AT THE SAME SALARY (9-6, OR \$22,594), AND TO EMPLOY ROBERT A. MCMAHAN IN THE TRIMMING CREW AT THE BEGINNING SALARY (10-1, OR 20,981).

7. MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO ACCEPT THE RECOMMENDATIONS OF THE SCHOLARSHIP COMMITTEE.

VII. There being no further business to come before the Board, the meeting was declared adjourned by the Mayor Pro Tem at 8:37 p.m.

Richard Betz, Town Clerk