

REGULAR BOARD MEETING of November 3, 1999, with Mayor Buck Trott and Commissioners Mike McCall, H. N. James, Ron Sanders, Amy Patterson, and Zeke Sossomon present.

Also present were Richard Betz, Lamar Nix, Kathleen Snyder, Jerry Cook, Selwyn Chalker, Kim LeWicki, Mike Cavender, Dennis DeWolf, Alan Marsh, and Kevin Fitzpatrick.

I. Call to Order.

Mayor Trott 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 adoption of a resolution for the Southwestern Commission be considered under New Business.

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

III. Approval of Minutes.

The minutes of the October 20 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 Mayor reported that he and the Town Administrator had attended the League of Municipalities convention in Greensboro October 24-26; he had been pleased to learn that the League was well-represented by small towns like Highlands.

He also congratulated Commissioners James and Sanders on their re-election on the preceding day; welcomed commissioner-elect Mike Cavender, who was also present; and commented that he would be sorry to see Comm. Mike McCall, who had decided not to run for re-election, leave the Board.

2. Each Board member had received the Public Services Administrator's written report for the month. Lamar Nix also reported that the Y2K upgrades for the Water Treatment Plant would be completed within the next two weeks.

3. Each Board member received a copy of the Police Chief's written report for the month.

4. Each Board member received a copy of the Recreation Director's written report for the month. Selwyn Chalker thanked the Police Department, Fire Department, and Highlands Rotary for their assistance in the annual "Trick-Or-Treat" celebration.

5. Each Board member had received a copy of the Town Planner/ Zoning Administrator's written report for the month.

Kathleen Snyder was present, and the Mayor noted that the matter of accepting her resignation was on the agenda under New Business; he said that he appreciated the excellent job she had done for the Town. Town Administrator Richard Betz added that he had enjoyed working with Ms. Snyder and would miss her.

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

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

7. Each Board member had received a copy of the Town Administrator's written report for the month. The report included a letter from Highway Commissioner Ron Leatherwood, which had been received on November 1, 1999. The Board agreed by consensus to place discussion of the letter on the agenda of the November 17 meeting.

The report also stated that final surveying had begun on the Forest Service exchange tract adjacent to the Wastewater Treatment Plant, with the closing expected before the end of the year; the Institute of Government would be conducting a School for New Mayors and Council Members January 12-14 in Asheville; and discussions had been continuing on development of Requests for Proposals for wholesale power. He also reported that he had written a letter to Stephen Zoufaly from the Division of Water Quality in Raleigh asking again for clarification of enforcement of the Macon County Watershed Protection Ordinance.

V. Old Business.

1. Each Board member had submitted written nominations to the Clerk, who had tabulated them and provided a copy with the agenda, for vacancies on the Zoning Board and the Planning Board/ Appearance Commission

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPOINT MORRIS WILLIAMS AS AN ALTERNATE MEMBER OF THE ZONING BOARD TO FILL JAMES TATE'S UNEXPIRED TERM.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPOINT MIKE MCCALL TO THE PLANNING BOARD AND THE APPEARANCE COMMISSION TO FILL CARL LINDQUIST'S UNEXPIRED TERM.

2. Town Engineer Lamar Nix had been asked at the previous meeting to study the feasibility of installing sidewalks on both sides of Third Street, and to prepare preliminary cost estimates for those sidewalks and for the portions of parking along the north side of Spring Street identified at the meeting. He reported that the total cost of construction of 6-foot sidewalks along Third Street, plus drainage structures and other infra-structure on Spring Street, would be \$70,000; cost of the initial grading and drainage would be \$18,500.

Approximately 50 parking spaces would be created. He said that John Lupoli's proposed development did not conflict with the Town's plans, and that the tree on the east side of Third Street could be saved; the loading zone adjacent to Reeves Hardware would be retained.

The report sparked a lengthy discussion. Comm. Patterson expressed concerns over the width of the travel lane on Spring Street, a by-pass route; while reiterating her preference for no parking at all, she felt that it would be better to place the sidewalks on private property in order to create more room for a travel lane.

The Mayor suggested that parallel parking could be installed.

Comm. James said he understood the Methodist Church had already offered to provide property for a sidewalk, and said that he did not object to private property owners doing so; but he felt the Board should proceed with the infrastructure portion of the project, and decide about the sidewalks later.

Dennis DeWolf suggested that property owners could be encouraged to provide land for sidewalks on their property through removal from the tax rolls or perhaps granting of a 10% leeway under the watershed regulations. Town Administrator Richard Betz explained that variances under the watershed regulations could only be granted on a case-by-case basis based on need.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, TO PROCEED WITH THE PROJECT AS OUTLINED BY THE TOWN ENGINEER, WITH THE EXCEPTION OF THE SIDEWALKS, AND TO APPROPRIATE FUNDS FOR THAT PURPOSE FROM AD VALOREM TAX REVENUES. It had been reported that tax revenues were expected to exceed budget estimates by \$80,000 due to the revaluation.

Comm. Patterson reiterated concerns she had expressed at previous meetings concerning the number of people on Town streets and sidewalks. She felt that if the Town built it, they would come, she didn't see why the Town should provide it for that purpose.

Comm. James felt that the Town could not stop people from coming to Highlands; if parking spaces were not provided, they would park along the side of the roads. He felt that towns with streets that were half-empty had a worse problem.

Kevin Fitzpatrick was present, and said that he agreed with Comm. Patterson; he felt the Town was making a big mistake.

The Mayor said that the Town had always faced a problem caused by merchants and their employees parking on Main Street; the problem had worsened with the elimination of parking on Church Street, but he thought this parking would help. However, he also felt the Town might need to consider timed parking on Main Street at some point. He then called the question.

THE MOTION CARRIED, WITH COMMS. JAMES, SANDERS, MCCALL, AND SOSSOMON VOTING "AYE," AND COMM. PATTERSON VOTING "NAY."

Comm. James felt that the D. O. T. parking study conducted several years ago should be reviewed again. He also asked that the matter of parking on Main Street be discussed at the next meeting.

3. As requested at the October 6 meeting, the Clerk had provided copies of several proposed zoning amendments and other recommendations of the Land Use Planning Committee which had been tabled earlier in the year to all Board members, as well as more recent pending amendments. He said that he and the Town Planner had reviewed all of amendments of the Zoning Ordinance and Map, and separated them into those that were ready for public hearing and those that were not ready due to lack of consensus on the Board; many of the recommendations did not involve zoning changes. The amendments that were ready for public hearing consisted of the regulation of commercial traffic signs and temporary banners which had been referred to the Planning Board recently, as well as six recommended amendments of the Zoning Map which had been tabled several months ago.

The Board then discussed the question of banners in some detail. The proposed amendment, as drafted, would prohibit banners except those hung on the fence adjacent to the Recreation Park, but the Planning Board had recommended several alternatives, including the option of permitting persons to hang banners without Town personnel.

The discussion also included the options of increasing fees to cover costs to the Town and re-visiting the definition of "annual civic events and special holidays." The Mayor suggested input could be received at the public hearing.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING FOR 7:00 P.M. ON DECEMBER 1 TO RECEIVE COMMENTS ON THE TWO PROPOSED AMENDMENTS OF THE ZONING ORDINANCE.

The Board then considered the recommended amendments of the Zoning Map, which had been tabled on March 17, 1999.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO PLACE THE RECOMMENDATIONS ON THE TABLE.

The Board then considered the six recommendations in some detail:

- (a) Change zoning at the Catholic Church along Fifth Street property from R-2 to B-4;
- (b) Change zoning of the Liz Development property along U.S. 64 from B-3 to R-1;
- (c) Change zoning of the Merry Mountaineer property on U.S. 64 from B-3 to B-4;
- (d) Change zoning of the Village Goldsmith property along U.S. 64 from B-3 to B-4;
- (e) Change zoning of the Roger Smith property along U.S. 64 West from B-3 to R-2;
- (f) Change zoning of the Gerson Perry property along U.S. 64 West from B-4 to R-2.

The consensus of the Board was that recommendations (a) and (f) not be taken to public hearing, and that recommendation (e) be changed so that it read "from B-3 to B-4," due to change in use of the property since the recommendation had been made.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING FOR 7:00 P.M. ON DECEMBER 1 TO RECEIVE COMMENTS ON THE FOREGOING PROPOSED AMENDMENTS OF THE ZONING ORDINANCE.

4. The Board then discussed the proposed amendment of the Zoning Ordinance regulating Wireless Communications, subject of a Special Meeting on September 29. Town Planner Kathleen Snyder reported that the Planning Board had reviewed the Ordinance at their meeting of October 25, and had offered recommendations concerning landscaping, lighting, and opaque fencing. She had agreed to discuss the recommendations with Susan Rabold, consultant for MetroSite Management, and would be able to prepare a draft of the revisions before the public hearing was held.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING FOR 7:00 P.M. ON DECEMBER 1 TO RECEIVE COMMENTS ON THE FOREGOING PROPOSED AMENDMENT OF THE ZONING ORDINANCE.

#### VI. New Business.

1. As reported earlier in the meeting, Town Planner/Zoning Administrator Kathleen Snyder had submitted her resignation.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ACCEPT THE RESIGNATION. The Board agreed to advertise for the position.

2. The Southwestern Commission had again requested that the Town adopt a resolution requesting the release of its share of State funds to the Region A Regional Council.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ADOPT THE RESOLUTION. A copy is attached hereto and made a permanent part of this record.

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

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:30 p.m.

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Richard Betz, Town Clerk