

REGULAR BOARD MEETING of November 19, 2003, with Mayor Buck Trott and Commissioners H. N. James, Hank Ross, Mike Cavender, and Amy Patterson present.

Also present were Commissioners-elect Alan Marsh and Dennis DeWolf, Richard Betz, Lamar Nix, Larry Gantenbein, Cindy Sprouse, Kim Lewicki, Bronce Pesterfield, Jack Bourneman, Lewis Doggett, Ginger Slaughter, and others.

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 Clerk reported that a petition for re-zoning had been received from Johnny Henry for his property on Poplar Street. Comm. James said that he had several items of Old Business he would like to discuss. The agenda as so amended was approved by consensus.

III. Approval of Minutes.

Copies of the minutes of the November 5 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that he had signed the following proclamation on November 17:

PROCLAMATION OF CHILDREN'S BOOK WEEK

Reading is the cornerstone of education, allowing each individual to pursue knowledge. Each word absorbed by a young mind today plants a seed for a better tomorrow.

Knowledge, the finest asset that we can give to our children, is the catalyst for accomplishing great things in life. The love of books and reading, passed from adult to child, from generation to generation and from peer to peer, is a lifelong treasure that helps to uncover the secrets of the universe.

Children's Book Week, a celebration of the written word, will introduce young people to new authors and ideas in schools, libraries, homes, and bookstores. It will encourage young people to discover the complexity of the world beyond their own experience.

Free to Read, the theme chosen by the Children's Book Council for the 84th annual observance of Children's Book Week, promotes the enjoyment of books for young people.

In view of the inherent value of this week, I, Allen L. Trott, Mayor of the Town of Highlands, do hereby proclaim November 17-23, 2003, as Children's Book Week and urge all citizens to join in the celebration of books for young people and learning through reading.

The Mayor also reported that he had attended a program at Western Carolina University earlier in the day entitled "Catching the American Dream: Summit on Entrepreneurship."

2. Comm. Ross reported that he, the Town Administrator, and the

Town Engineer had met with D.O.T. officials earlier in the day and approved a location in front of the Town Hall for the historical marker approved on June 18 honoring Thomas Harbison. It was reported that the unveiling of the sign would take place on Saturday, November 29.

3. The Town Administrator reported that he had spoken with the Town Attorney earlier in the day and learned that the Court of Appeals had still not issued a decision on the Bowery Road Case.

He also reported that the Town had been informed that its underground storage tank on the Poplar Street warehouse property had been placed in the intermediate risk category by DENR, since the State trust fund no longer had funds to reimburse monitoring or cleanup; the semi-annual monitoring reports required through last July were therefore on hold indefinitely.

He also distributed copies of two letters dated September 5 from Martin Starnes Associates concerning the annual audit. He said that he had now reviewed the audit in greater depth and felt that the firm had done a good job, facilitating the timely completion of several annual financial reports.

#### V. Old Business.

1. Comm. Ross reported that the Street Committee had met with the Town Engineer and reviewed the Spring Street sidewalk proposal discussed at the previous meeting. The Committee recommended the plan proposed by Planters Inc., which would consist of a six-foot sidewalk located two feet on the Williams property; although it would necessitate the removal of several trees, the two largest and most significant trees--an oak and a hemlock--would be preserved, and eight parking spaces would be created. In addition, three new planters would be created in the street. The Town Administrator said he understood the property owners were willing to permit the sidewalk to encroach two feet onto their property as other property owners on that side of Spring Street had done. A two-foot planting strip would also be placed between the sidewalk and a concrete retaining wall in which it was proposed that ivy would be planted. Bronce Pesterfield said that the proposed sidewalk would be constructed of brick.

MOVED BY COMM. ROSS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE THE PLAN AS PROPOSED.

Comm. Ross said the Street Committee had not yet made a recommendation on the Jerry Pair property further west on Spring Street, adjacent to Second Street; he said that the Appearance Commission was still looking at several alternatives. The Mayor said he felt it was important to consider continuity with the next lot on Spring Street, behind Wright Square. Comm. James said he did not feel that the project should be sent to the Appearance Commission for a recommendation.

2. Comm. Ross reported that he had looked at Wyanoak Drive and spoken to a resident in the area who was not in favor of turning it into a one-way road, as requested at the previous meeting; he also said that several driveways were oriented the wrong way for such a change. Comm. James agreed; he felt that all of the residents in the area should petition for such a change before the Board should consider it, and he also pointed out that this was a problem that was common in that section of Town.

MOVED BY COMM. ROSS, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO DENY THE REQUEST.

3. The Town Administrator reported that he had obtained several informal bids on the minimum handrail required by ADA along Main Street, as discussed at the previous meeting; A. L. Williams, the property owner at the Old Edwards Inn project, had agreed to install a handrail, to be completed by March 1, of a design to be approved

by the Board, provided he could be reimbursed in the next fiscal year the cost the Town would have spent on the sidewalk. The low bid, which had been received from Randy Branum, was \$35.00/foot for the 500-foot handrail, for a total of \$17,500. Bronce Pesterfield was present and said that the Appearance Commission had reviewed several alternative designs at its previous meeting and recommended Version No. 2, shown on copies of a plan which he had distributed at the previous meeting; the design called for thicker 3/4" vertical bars and some twisted bars. Commissioner-elect DeWolf asked if the sidewalk would be modified at the eastern end to meet ADA minimum slope requirements. The Town Engineer said that he had reviewed this problem with the Street Committee and come up with a preliminary plan, consisting of a switch-backed ramp and steps, but that it might involve Presbyterian Church property. He offered to obtain cost estimates for the modification.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE THE HANDRAIL DESIGN IDENTIFIED AS VERSION NO. 2, AND TO BUDGET \$17,500 IN FY 03-04 TO REIMBURSE THE PROPERTY OWNER.

4. Comm. James asked the Town Engineer about the status of the \$32,000 in sidewalk repairs which the Board had authorized in the Spring. Mr. Nix replied that the Street Committee and the Planning Board had been working on a recommendation of where concrete and where brick sidewalks should be located. A final recommendation had been made at the October 27 Planning Board meeting, including some additions to the Master Sidewalk Plan, but it had not yet been presented to the Board.

Comm. James also asked about the dumpster and grease cans located opposite the Hilltop Grill adjacent to the Town sidewalk; he had heard many complaints from the public on the location. Mr. Betz said that he had already written a letter asking the restaurant to move the grease cans, but he had not checked to see if it had been done. Mr. Nix said that the dumpster had been located there temporarily; he offered to move it to a location on Spring Street, although it would take up a parking space there. The Board agreed by consensus that the dumpster should be moved.

Comm. James also asked about parking in front of McCulley's being filled with workers every day. The Mayor said that he had received complaints about the problem and investigated; he thought that the situation had improved since the Presbyterian Church project had been completed.

## VI. New Business.

1, The Board considered a petition for re-zoning from Johnny Henry for a 0.31-acre parcel on 76 Poplar Street from R-2 to B-3.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO SUBMIT THE PETITION TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION.

2. Commissioner-elect Alan Marsh noted that nobody was sitting in the chair occupied for several years by Comm. Ron Sanders, who had passed away on August 2; he recommended that the Town Board retire the chair, and said he would be glad to pay for another chair. The Mayor offered to discuss the proposal with Georgia Sanders.

3. MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G.S. §143-318.11(A)(6) TO DISCUSS A PERSONNEL MATTER. All present left the room except the Clerk and the Zoning Administrator. By consensus, the Board also asked Commissioners-elect Alan Marsh and Dennis DeWolf to remain in the room.

The Board discussed a personnel matter at length.

THE BOARD AGREED BY CONSENSUS TO GO INTO OPEN SESSION.

VII. The Board agreed by consensus to adjourn.

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

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Richard Betz, Town Clerk