

REGULAR BOARD MEETING of October 3, 2001, with Mayor Buck Trott and Commissioners Zeke Sossomon, Amy Patterson, H. N. James, Ron Sanders, and Mike Cavender present.

Also present were Richard Betz, Lamar Nix, Christopher Shook, Selwyn Chalker, Kim Lewicki, Lewis Doggett, Eric Pierson, Steve Pierson, Darrell Authier, David Johnston, Don Northrup, Mildred Johnson, Dan Chapman, Jane Tracy, Hank Ross, Alice & Kent Nelson, Morris Williams, Moyna Monroe, Jim Graham, Jack Corley, Wendell Underwood, John Cleaveland, Gladys McDowell, John Lupoli Sr., Edna Foster, Pat Moore, and many others.

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 two items be added:

- Minnie Cleaveland Heirs Subdivision, under New Business.
- Petition for annexation from Highlands-Cashiers Hospital and Chestnut Hill of Highlands, under Old Business.

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

III. Approval of Minutes.

Copies of the minutes of the September 19 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 recognized Hank Ross, outgoing President of the Chamber of Commerce, who announced that the Chamber had employed Bill Bassham as the new Member Services Director.

The Mayor reported that he had attended the County Commissioners meeting this week, and the new proposed County Soil Erosion Ordinance would go to public hearing October 23. He hoped that the Ordinance would be adopted soon and felt that it would improve the control of siltation in the County, and especially in the Highlands watershed.

The Mayor also reported that the County was working with Division of Community Assistance Planner Jeff Fishbach on a Land Use Ordinance; he said approval of the Ordinance was tentatively scheduled for November. He thanked John Cleaveland for his work on the Ordinance.

2. Comms. Sossomon and Cavender reported that they had reviewed the request for an all-way stop sign on Webbmont Road, as discussed at the previous meeting. They recommended that a stop sign be placed at Watkins Road where it intersects Webbmont Road, rather than a four-way stop sign.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO INSTALL A STOP SIGN AT WATKINS ROAD.

Comm. Sossomon also reported that he and Comm. Cavender had met, in terms of information, with a group of people concerning Bowery Road, but in terms of Board action there was nothing to report. Comm. Cavender expressed asked why the Town Attorney was not present; the Mayor explained that there were no items on the agenda that required his presence.

3. Each Board member had received the Public Services

Administrator's written report for the month. Lamar Nix was present and reported that North Carolina DENR had conducted a Water Certification Class at the Water Treatment Plant on September 18. He also reported that the improvements at the Wastewater Treatment Plant discussed at the previous meeting had begun; the slab would be ready for the belt press in two weeks.

4. Each Board member had received a copy of the Police Chief's written report for the month. Jerry Cook had been unable to attend due to illness in his family.

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. He said that playground equipment had been delivered and he hoped it would be installed before cold weather arrived. He also recommended that the contract with John Stanfield for cleaning the Civic Center be renewed.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO EXTEND THE CONTRACT FOR CLEANING THE CIVIC CENTER THROUGH THE END OF THE FISCAL YEAR.

6. Each Board member had received a copy of the Zoning Administrator's report for the month. Christopher Shook was present and offered to answer any questions. He told the Board that he was on the job and the ordinances were being enforced.

7. Each Board member had received a copy of the Treasurer's Report for the month. The Treasurer noted that Wyanoak Road had been paved as approved at the September 5 meeting from Water Department funds.

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

8. The Town Administrator reported that he had been in contact with John Boaze of Fish & Wildlife Associates, and he understood that the study on sediment in Big Creek below Randall Lake would be ready to present at the next meeting. He also reported that, as of September 28, funds had been deposited into the Bowery Road Escrow Fund totalling \$400,050, including interest; he had forwarded this information to the Town Attorney. The annual withdrawal of \$300,000 from the Macon County Water Supply and Wastewater Improvements Fund had also been received the previous week. He also reported that the Town had received notice of two matters in Macon County Superior Court: a motion to dismiss and a motion in limine filed by Richard Melvin on behalf of Edwards et. al., and a lawsuit filed by Philip Carson on behalf of Alice Monroe Nelson et. al. He understood the Town Attorney had thirty days in which to respond.

He also reported that SpectraSite had continued to negotiate on the Town's behalf with a company interested in telecommunications antennas. Two different antennas were being proposed. One would be mounted on a 20-foot extension on top of the 80-foot Big Bearpen tower. The company would be willing to pay all of the costs of relocating the small building inside the fence, buying the 20-foot extension, and paying for the erection. The Zoning Ordinance permitted "attachments or add/to replace tower" on this site, and Board approval would be required because the tower is owned by the Town. The proposed 5-year lease would be \$1550 per month, 4% annual increase, with four options to renew, and SpectraSite had recommended approving it. The other antenna would be located on an 80-foot "stealth" monopole on the other site on Satulah Mountain, pending the Town Engineer's determination that the site is large enough for the monopole, equipment building, and future water reservoir; it was expected that this information would be available at the next meeting. Should the Town wish to proceed, amendment of Table A in the Zoning Ordinance could be forwarded to the Planning Board on October 22. The proposal was for \$30,000 up front, plus a 5-year lease at \$800/month, 4% annual increase, with four options to renew, and again SpectraSite had recommended approving it.

The Board agreed that this matter should be an agenda matter, and

asked that it be placed on the agenda of the October 17 meeting.

V. Old Business.

1. The Board again considered an Ordinance approving the transfer and assignment of the franchise to operate a cable television system by Northland Cable Properties Six Limited Partnership to Northland Cable Television, Inc. The Clerk reported that the Ordinance had been reviewed by the Town Attorney and that Northland was in compliance with the terms of its franchise agreement. Jack Corley was present, and the Mayor reported that he had forwarded several complaints about service to him and they were being addressed.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE ORDINANCE.

Comm. Sossomon thought that the Ordinance might require a second reading, and the Clerk agreed to consult with the Town Attorney.

2. Each Board member had received copies of the Third Draft of a proposed amendment of the Soil Erosion Ordinance, providing for more stringent procedures for land-disturbing activities on steeper slopes. A map would be used for illustrative purposes, and the Land Disturbing Permit form would also be amended. The Town Administrator reported that the Planning Board had reviewed and approved the amendment, and that a public hearing was not required. The Zoning Administrator said that he felt the Ordinance would help him in enforcement of the Ordinance.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING AMENDMENT OF THE SOIL EROSION ORDINANCE, EFFECTIVE IMMEDIATELY:

* * *

Replace Section 11-16(B) with the following:

"(B) Application. Application for a Land-Disturbing Permit shall be made on the proper form obtainable at the Town Office and shall be accompanied by the plans required in this sub-section. Plans may be filed in conjunction with application for a Zoning Certificate pursuant to Section 702 of the Zoning Ordinance. Application shall identify the total area to be disturbed and the greatest slope within the land-disturbing area. A physical inspection of the site may be conducted prior to issuance of the permit, in the discretion of the Zoning Administrator, in order to verify the slope of the property by an appropriate measuring device. Depending upon the range of slope in the land-disturbing area, the following information shall be required before issuance of a Land-Disturbing Permit:

(1) 0-30% Slope. A site plan shall be submitted, drawn to a scale of at least one inch in forty feet, and indicating the nature and location of all land-disturbing activities proposed for the site that may cause or contribute to soil erosion and sedimentation, together with those measures and devices intended to control soil erosion and sedimentation.

(2) 30-60% Slope. In addition to the information required for slopes of 0-30%, topographic contour lines shall be indicated on the site plan at a minimum of five foot intervals, and a detailed planting schedule for each phase of construction shall be submitted.

(3) Over 60% Slope. A full erosion and sedimentation control plan shall be submitted, pursuant to Section 11-17 of this Ordinance, regardless of the area to be disturbed."

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3. It was reported that the Planning Board had recommended not

approving the petition for annexation from Highland Cabin Village L. P., as discussed at the September 5 meeting.

MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO ACCEPT THE RECOMMENDATION OF THE PLANNING BOARD.

4. The Clerk reported that he had received earlier in the day a description and map of the Highlands-Cashiers Hospital and Chestnut Hill of Highlands property, thus completing the petition for annexation received at the previous meeting. He said that he had investigated the petition and certified in writing that it appeared to be valid, in accordance with G. S. §160A-58; the Statute required setting of a public hearing.

John Cleaveland was present and said that he understood from County Commissioner Ricky Bryson and County Manager Sam Greenwood that funding was available for the water line to the hospital, but that there was a narrow window of opportunity. He urged the Board to make a motion committing to go forward so that application for funding could begin immediately, considering the importance of health care in the community.

Comm. Patterson did not feel that the Board could decide this matter until the public hearing had been held, and the Board agreed by consensus. Comm. Cavender suggested that a resolution could be adopted committing to moving forward; Comm. Sossomon agreed, and suggested that it be made contingent on funding of the water line with County assistance. Comm. James said he didn't see why an application could not be made in the meantime. The Clerk then read the petition and an accompanying letter into the record.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING ON THE ANNEXATION REQUEST AT 6:00 P.M. ON OCTOBER 17.

VI. New Business.

1. Don Northrup was present, and outlined a proposal which he said was in effect in Lake Lanier. He suggested that the Board set up gates around the community and provide for the purchase of parking passes; the proceeds from the purchase of the passes would bring in millions of dollars, and would also provide better security. He felt that the proposal would work better than parking meters or the two-hour parking restrictions currently in effect. The Mayor thanked Mr. Northrup and said that the Board would take the proposal under advisement.

2. Pat Moore was present on behalf of the Performing Arts Center Inc. (PACI). He thanked the Board for its support, and asked it to consider a solution to the parking problem. The PACI proposed purchasing Lots 313 and 315 on Laurel Street, providing a 5-year sublease for the building currently located on the property, and gifting the property to the Town; the Town would upgrade the property for parking, with appropriate landscaping, lease it back to the PACI, and provide maintenance of the parking lot. He submitted a proposed contract for the sub-leased property, a map of the property, and a conceptual plan showing that the parking lot would be expanded from 40 spaces to 25, with better traffic flow provided through the property. He said that PACI was looking at permeable parking surfaces, and had discussed the parking lot with the Town Engineer.

Lamar Nix confirmed that placing 6" of stone on the parking lot would cost approximately \$6,000. Comm. Patterson noted that the Town had been looking into parking along Chestnut Street, and suggested that such a proposal might make that unnecessary. Comm. Cavender made a motion to approve the proposal. Comms. James and Sossomon suggested that the proposal be taken under advisement until the next meeting, and meanwhile that the contract for the sub-leased property be reviewed by the Town Attorney. Comm. Cavender agreed to withdraw his motion, and the Board agreed by consensus to place this item

on the October 17 agenda.

3. Comm. Cavender requested that a Closed Session be scheduled for the next regular meeting to discuss a proposed compromise on the Bowery Road condemnation with the Town Attorney.

4. The Board reviewed a preliminary and final plat for the Minnie Cleaveland Heirs Subdivision on Foreman Road; the plat had been approved by the Planning Board on September 24.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE SUBDIVISION PLAT.

5. Darrell Authier was present and expressed some concern over the Village Developments LLC Special Use Permit, which had been referred to in the Zoning Administrator's report. He said that the question of ownership of some of the land had come up during the meeting and had not been resolved, and he was not certain where to take his concerns. The Town Administrator said he had been at the meeting and the Special Use Permit had been granted conditioned on verification of ownership of the land in question; he noted that Mr. Authier's concerns had been noted at the meeting and information had also been provided since the meeting on this issue. The Zoning Administrator offered to keep Mr. Authier informed about the status of the application.

6. Kim Lewicki asked why the Bowery Road condemnation was not on the agenda. The Mayor replied that this matter did not require any action by the Board, and no request had been made by parties discussing a compromise to be placed on the agenda. Comm. Cavender felt that any compromise should be discussed in closed session. The Mayor announced to those present that the Closed Session item on the agenda regarding acquisition of real property referred to another piece of property and did not involve Bowery Road in any way.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318(A)(5) TO DISCUSS THE ACQUISITION OF REAL PROPERTY. All present left the room except the Clerk, the Zoning Administrator, Gladys McDowell, and John Lupoli Sr.

The Board discussed the proposed acquisition of real property at some length.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. Members of the public were invited back into the meeting room but all had left.

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 9:15 p.m.

Richard Betz, Town Clerk