

REGULAR BOARD MEETING of October 21, 1998, with Mayor Buck Trott and Commissioners H. N. James, Mike McCall, Ron Sanders, Zeke Sossomon, and Amy Patterson present.

Also present were Richard Betz, Eddie Madden, Kim LeWicki, Alan Marsh, James Tate, Dennis DeWolf, Eric Pierson, Jolene Niblack, John Dotson, Nick Moschouris, Linda Clark, Ron Waller, Hank Ross, Mike Bryson, and others.

I. Mayor Trott called the meeting to order at 7:00 p.m.

II. MOVED BY COMM. MCCALL, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA.

III. The minutes of the October 7 Regular Board Meeting and the October 14 Special Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that he had attended the North Carolina League of Municipalities convention in Charlotte, and had participated in several informative sessions dealing with issues such as cell towers, electric deregulation, and infrastructure. He said we were fortunate to have an organization as excellent as the League.

2. The Town Administrator had distributed (a) copies of the North Carolina Environmental Management Commission's notice of the public hearing on the renewal of the Town's Wastewater Treatment Plant permit, scheduled for November 19; and (b) copies of the response the Town Attorney was filing in the Episcopal Church v. Zoning Board of Adjustment matter. The Town Attorney had also reported that Richard Melvin would be taking the depositions of Harry Wright and Helen Meisel on October 26 in the Edwards et. al. case, and he asked any Board members who were interested in attending to let him know.

The Mayor urged those present to attend the Wastewater Treatment Plant permit hearing and support the Town. He said that he felt the permit renewal was a contest between the State and a Federal agency, with the Town caught in the middle paying the bill.

V. New Business.

The remainder of the meeting was devoted to consideration of the final recommendations of the Land Use Planning Committee.

The Mayor thanked the Committee for the months of hard work spent on updating the Land Use Plan.

Town Planner Eddie Madden had distributed copies of a report entitled "Appendix A, 1998 Land Use Plan Update" to each Board member, summarizing all of the recommendations of the Committee already presented on Commercial Areas, as well as new sections on Residential Areas, Municipal Services, and Annexation/Extra-territorial Jurisdiction (ETJ), including maps of a proposed ETJ area and the existing service areas of the Town. He also distributed copies of information on ETJ prepared by David Owens of the Institute of Government.

James Tate then thanked the members of the Committee, and said he hoped that some of the recommendations would be implemented; he said a lot of time and effort had been devoted into looking twenty years down the road. He then offered for the Committee to answer any questions the Board might have on the report, and the Board reviewed the new parts of the report section by section.

### Residential Areas

1. *Encourage better enforcement of zoning ordinance in residential zones pertaining to illegal construction, soil erosion, and signs.*

Alan Marsh explained that the Committee felt the Town may need to consider a part-time assistant or for the Zoning Administrator to check construction sites. James Tate added that it was almost impossible for one person to keep up with everything going on.

2. *Require trash containers for all building projects for the collection and disposal of building debris, yard waste, and miscellaneous garbage. Furthermore, require that all building sites be adequately maintained on a daily basis.*

Hank Ross said the Committee was concerned over the amount of trash generated from building sites, and the need for containers to prevent both unsightly piling up of trash and danger to animals and people. Ron Waller agreed.

3. *Recommend limiting public safety signs to 1.5 square feet in surface area and no more than one (1) for each fifty linear feet (50').*

Eddie Madden explained that the Zoning Ordinance now exempted public safety signs, such as those prohibiting trespassing or hunting; the Committee was concerned over the number of such signs that could be erected and their size.

Ron Waller also noted that the Land Use Plan was an update of the 1989 Plan, which had contained an implementation schedule. He thought it was important to re-evaluate that schedule so that the efforts spent on this update did not just get shelved.

The Mayor expressed concern over the added cost of disposing of construction debris due to the recent emphasis on enforcement of State burning regulations. Ron Waller explained that the new regulations prohibited any open burning with 1000 feet of another residence, which meant that most trash would have to be hauled to the demolition landfill at Wilson Gap; it cost \$500 for a tandem load of stumps to be disposed at the site. He noted that Highlands Falls had a policy of fining contractors who did not keep construction trash contained, and he felt this was something the Town should investigate.

### Municipal Services

1. *Recommend formulating a Comprehensive study of the Recreation Park property.*

Dennis DeWolf said he was not sure the Town had paid enough attention to the use of the Recreation Park property, such as the location of pavilions and parking areas; he thought it was wise to do some master planning.

2. *Recommend formulating a plan of development for all Town-owned properties.*

Alan Marsh pointed out that properties on each side of the Recreation Park property were for sale, and he felt the Town should consider obtaining them. Dennis DeWolf said the Committee felt there was a need to review services, administration, and all municipal property from a planning standpoint.

3. *Recommend locating a Recycling Center on Town-owned property.*

James Tate said this recommendation came from complaints noted in the Land Use Surveys about the distance to the Buck Creek and the

Wilson Gap convenience centers. The Mayor said that the County had been discussing the possibility of a new site closer to Town.

*4. Encourage better enforcement of the zoning ordinance. To accomplish this, the Committee recommends creating an assistant's position for the Town Planner/Zoning Administrator for the purpose of sharing in the day-to-day responsibilities.*

Ron Waller said that this recommendation referred to the concerns expressed under Recommendation No. (1) under Residential Areas.

*5. Implement award procedure for outstanding properties.*

Eddie Madden felt that it would be good to occasionally recognize properties which did a good job at landscaping and accomplishing other recommendations of the Appearance Commission.

*6. Replace trash receptacles with more attractive, yet efficient receptacles on Main Street.*

The Mayor said that he shared this concern, and reported that Lamar Nix was working on a recommendation.

#### *Annexation/Extra-Territorial Jurisdiction*

*1. Recommend pursuing an annexation study of the areas shown on the attached map;*

*2. In conjunction with the annexation study, implement Extra-Territorial Jurisdiction within one (1) mile of the existing corporate limits during the annexation study process, or until the effective date of annexation.*

The Board had authorized Eddie Madden at a previous meeting to look into the cost of an annexation study. Mr. Madden reported that State Planner Geoffrey Willett had told him that such a study, if conducted by the Division of Community Assistance, would take six months and would cost between \$500 and \$1000; if conducted by a private contractor, it could be as much as \$10,000. Any annexation study would have to address cost benefit, the use and subdivision tests, water and sewer infra-structure, police, fire, and financing.

Comm. James said the study would have to identify what resources the Town has and what it can serve; he felt that Highlands did not have unlimited resources. The Mayor agreed that an in-depth study would have to be made of our resources, and pointed out that the month of October had provided a good test of our water resources.

Comm. Patterson also agreed; the Highlands watershed was 14 square miles in area, and the amount of water that it could provide could be calculated. The Mayor also pointed out that we have lost the holding power in the lakes due to siltation.

Eddie Madden reviewed the two statutory ways of proceeding with annexation, both of which would require over a year to accomplish.

In the first method, a resolution of intent was adopted based on a defined area, and the area could not be changed later in the process.

In the second method, a resolution of consideration was adopted for a larger area, which would allow the Town to annex all or part of the area defined, thus providing more flexibility.

There followed a wide-ranging discussion of the pros and cons of annexation and extra-territorial jurisdiction.

Comm. Sanders said that he felt services should be provided within the existing Town limits before the Town considered going outside and providing more. He said he had been against ETJ in the past, and was still against it; he did not feel it was up to the Town to go outside the Town limits and tell people what they can do with their property. If anybody should do that, it should be the County.

Comm. Patterson asked if anybody should do it, if there should be any management over growth and development outside the Town limits.

Comm. James asked what had been accomplished as a result of the 1980 annexation; he pointed out that there were still inadequate roads, and little planning. He agreed with Comm. Sanders on ETJ, unless somebody could explain to him what tragedy would happen in its absence. But he said he would not oppose a good annexation study.

The Mayor expressed concern over the increasing difficulty he foresaw private plants having in continuing to operate; he thought they would have to come under a bigger operation. Comm. McCall pointed out that the capacity of the Wastewater Treatment Plant would be reached if other users such as Highlands Country Club, V-Z Top, and the Mountain Club were connected.

Comm. Sossomon asked if annexation was the only reason that ETJ was recommended, and was told that it was. Jolene Niblack also pointed out that the Committee had recommended an annexation study, not necessarily annexation.

The consensus of the Board was that the Town Planner should see if Geoffrey Willett could meet with the Board to discuss what would be involved in an annexation study conducted by the Division of Community Assistance.

Comm. James felt that the Board should think about all of the recommendations that had been presented. The Mayor again thanked the Land Use Committee for their hard work.

VI. There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:40 p.m.

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Richard Betz, Town Clerk