

REGULAR BOARD MEETING of August 19, 1998, with Mayor Buck Trott and Commissioners H. N. James, Mike McCall, Zeke Sossomon, and Amy Patterson present. Comm. Ron Sanders was not present.

Also present were Richard Betz, Lamar Nix, Eddie Madden, Jerry Cook, James Tate, Alan Marsh, Dave Clary, Dennis DeWolf, Hank Ross, Edna Rhodes, D. A. Rhodes, Daniel Burner, John Anderson, Brenda Pierson, Charlie McDowell, Judy Thomas, Edward Forrest, Sidney Mizell, Kim LeWicki, and others.

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

II. The Clerk reported that Daniel Burner, Chairman of the Sagee Mountain Association, had requested making a statement to the Board after the agenda had been mailed. The Mayor noted that Brenda Pierson was present and asked her if she objected; she said she did not.

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

III. The minutes of the August 5 Regular Board Meeting had been distributed by mail.

MOVED BY COMM. MCCALL, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

IV. Reports.

1. The Mayor read the following statement:

"From recent comments I've heard and read regarding the Episcopal Church's request to the Zoning Board for a permit to expand, which the Zoning Board denied, I feel some clarification is needed. I was not at the meeting in question, and many who have talked with me weren't either, but some members of the Zoning Board have been harassed individually and the Board itself attacked as though it acted irresponsibly.

"In the case of individual harassment, I can't fault anyone for expressing an opinion after a decision has been made, but I feel some people are out of line. The Zoning Board is a judicial body that functions like a court, and its members deserve the same respect as members of a jury. When they have heard all the testimony in favor of and against an application, which, by State law, must be sworn evidence, they have to act like a jury and rule on the case according to specific conditions mandated by the State. In every case they are asked to follow strict guidelines and vote their consciences, which can be an agonizing process, but I'm convinced that they deserve credit both individually and as a Board for having acted responsibly, not capriciously. As much as they may sympathize with an individual applicant, they are compelled by law to consider what is in the best interest of the town as a whole in their best judgement, whether we agree or disagree. I support the members of the Zoning Board.

"I want to conclude that none of us is perfect, which includes the Zoning Board and its members, but they try hard, harder than many of us realize. And if they are to be criticized, it should be done fairly, with some understanding of the rules and procedures that State law requires they follow in order to arrive at a carefully considered decision."

2. The Town Administrator reminded the Board of a special meeting scheduled to be held in Franklin on August 20 at 7:00 p.m., hosted by the Macon County Planning Board and Economic Development Commission, to discuss county water and sewer matters.

He also reported that Froeling & Robertson had completed boring at the Big Bearpen site for the antenna, but the engineering report had not yet been received.

He also distributed draft copies of an amendment to the Highlands Code which he and Jerry Cook had prepared, regulating the moving of modular and manufactured homes; he suggested placing it on the agenda of the September 2 meeting.

V. Old Business. None.

VI. New Business.

1. The Board considered preliminary subdivision plats for Lots 14, 15, and 16 in Brushy Face South subdivision, and a final plat for Lot 14; both plats had been approved by the Planning Board on August 3. Each Board member had also been given a copy of a memo dated July 31 from Town Engineer Lamar Nix to Eddie Madden reviewing the subdivision plats.

The Board then discussed at some length the water distribution system in the subdivision, part of which was served by a 6" line from the Highlands Country Club, and part of which was served by a 2" line from NC-28. According to Mr. Nix's memo, the 2" line did not meet current state specifications as set forth in the Administrative Code, which limited the number of residences to 20 and the distance to 1000 feet. Mr. Nix reported that he had made an error in his memo, and had since discovered that there were actually less than 20 residences served by the 2" line; however, the distance of the 2" line was approximately 4900 feet from where the Town's 6" main ended on NC-28. No electrical system improvements were necessary. The existing road was 16 feet in width, which Mr. Nix said he understood would have met the road specifications at the time; the current standard was 18 feet.

Charlie McDowell was present representing the Colson Group. He said that he had been provided with information from Mrs. Colson indicating that six homes in the subdivision were served from the Highlands Country Club system, and nine homes were served from the 2" line.

He was satisfied that the 2" line, which had been installed by Wayne Crowe, was in compliance when installed. He said that, according to Mr. Nix, the Town owns and maintains the line, and there is no policy on updating the water line; he pointed out that in that case the Colsons would not have the right to do anything to the line. He felt the line should be "grandfathered."

The Mayor pointed out that grandfathering would not help the water flow. Comm. James said that because this was a new subdivision, a new 6" line ought to be installed by the subdivider from the 4" line along NC-28 to serve the new lots.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE PRELIMINARY PLAT, PROVIDED A 6" WATER LINE IS INSTALLED BY THE SUBDIVIDER FROM NC-28 TO SERVE LOTS 14, 15, AND 16.

Lamar Nix recommended that, if the subdivider installs the 6" water line, the Town install a 6" water line along NC-28 from where it now ends to the new line, replacing the 4" line.

2. The Mayor asked Police Chief Jerry Cook to report on a recent radar study he had conducted in Highlands; Chief Cook reported that the average speed on Main Street was 35 mph, and the average speed on US-64E was 45 mph. He felt that this confirmed that there was a problem with speeding in Town. He said that over 50% of accidents were due to excessive speed; he felt that radar was a tool that law enforcement officers could use to slow traffic down if used correctly, and he intended to use it correctly. If approved, he planned to

publicize the areas where the radar was going to be used on the radio and in the newspaper, and to assign officers certified in radar to monitor those areas.

The Mayor pointed out that speed limits were not established arbitrarily, but according to strict standards. He felt that there was a real danger associated with exceeding those speed limits, and said that there were some areas in which the speed limit was habitually violated.

D. A. Rhodes was present, and said he would like to see something done to control speeding on NC-106. He said that the speeding made it dangerous for people to pull out on the highway, and said he had lost customers who were afraid to do so.

Judy Thomas stated that there was excessive speeding at the Mirror lake Bridge and in the Hicks Road area. Sidney Mizell spoke about speeding on Horse Cove Road at Sixth Street. John Anderson said that the section of US-64W in front of his residence was like the Daytona Speedway.

Chief Cook reported that the cost of each radar unit would be approximately \$900. Video cameras, which were sometimes used in conjunction with radar, were approximately \$2000 each, but there was grant money available. He recommended using video cameras as both a way of providing officer safety and assisting him in reviewing the conduct of his officers. The cameras could be set to come on when the blue light comes on. He believed that both devices would be required in the future, and he pointed out that modern radar units were very accurate; a week-long school was required for certification. Signs indicating that radar was in use would be posted at the Town limits.

Comm. McCall felt that if radar was approved, video cameras should be approved as well. The Mayor pointed out that it was normal to pair the devices up; he said it was a good defense against people claiming harassment.

Comm. James said he would like to see a written policy on how the Police Department was going to use and control radar, as well as assurance from the Mayor that it was not going to get out of hand.

The Mayor offered him that assurance, and said that a written policy would be prepared. He also stated that he did not want the Town to gain the reputation of being a speed trap.

Judy Thomas asked about placing a stop sign on Mirror Lake Road; the Mayor told her that this was a State road, and the D. O. T. had previously denied this request.

Daniel Burner, representing the Sagee Mountain Association, stated that speeding was one of the two greatest concerns of his association.

He very much advocated the use of radar if used discriminately.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO PURCHASE ONE (1) RADAR UNIT AND ONE (1) VIDEO CAMERA, AND MEANWHILE TO PURSUE OBTAINING A GRANT FOR THAT VIDEO CAMERA AND TWO ADDITIONAL VIDEO CAMERAS.

James Tate asked where the money from the fines went, and was told that all traffic fines went to the County School Board.

3. Daniel Burner spoke again about traffic problems in the Bowery Road area, which he said had become critical, especially with heavy equipment. He said that he appreciated the police presence in recent weeks, which had already helped the problem. But he wondered if the D. O. T. could be asked to erect speed limit signs and signage indicating that Bowery Road was a single-lane road. He said that the other concern of the Sagee Mountain Association was the lack of adequate water supply; if there was a fire in the area, there would be no way to fight it due to inadequate pressure and lack of hydrants. He pointed out that the problem became more critical every

time a new water connection was made. He said that he knew that in other parts of the country, building permits could be held up due to the lack of water supply; he asked the Board to consider placing a moratorium on all new permits until there was an adequate water supply.

4. The Board again discussed the recommendations of the Land Use Planning Committee first presented to the Board on July 1 by Town Planner Eddie Madden. Mr. Madden had provided each Board member with an updated list of recommendations for Commercial Areas, including several additions to the July 1 recommendations, including additions to the Master Sidewalk Plan as requested by the Board.

Planning Board and Land Use Planning Committee Chairman James Tate was present, and briefly described the Committee's work in updating the Land Use Plan since it began work in late January; the recommendations were based on both results of the citizen survey last year and the insight of the Committee. He felt that the Committee would be finished with the rest of the update in three to four meetings.

The Mayor asked about the recommendation that the zoning along Spring Street be changed from B-3 to B-2. Mr. Tate replied that the re-zoning should be considered together with recommendations that a 12-foot setback be required, with a 6-foot landscape strip and a 6-foot sidewalk on private property, as well as related requirements that parking be located in the rear of buildings, with access off alleys. He said the Committee had been trying to create a more aesthetically pleasing, walker-friendly plan, and had also made several recommendations concerning the Master Sidewalk Plan in keeping with that idea.

Alan Marsh said that the Town had had a great vision in the last Land Use Plan in restricting commercial development to the downtown business district; this Committee felt the same concept should be extended for the next 20 years. The effort was to make Spring Street similar to Main Street, but with restrictions, so that there would be a pedestrian loop around the two streets and easy pedestrian flow.

Hank Ross pointed out that many of the recommendations were based on safety concerns. As traffic and the number of businesses increased, it was becoming more dangerous in the downtown area.

Eddie Madden then summarized the additional recommendations that had been made since July 1, including limiting curb cuts; eliminating access to the municipal parking area at Town Hall from Fourth Street; and providing sidewalks on Church Street, First Street, Pierson Drive, Highway 64 west of First Street, Smallwood Avenue, Wilson Road, Main Street, and Fifth Street.

Alan Marsh said that he would like to see the Board move on the recommendations concerning the Commercial Areas; otherwise, he felt there should be a moratorium on any new permits on Spring Street until new regulations are placed in effect. It was reported that there were two pending applications on Spring Street; one applicant had been granted a Special Use Permit, and one had obtained Appearance Commission approval thus far.

Comm. James said he wanted to hear a good argument for the new B-2 requirements for a 12-foot setback and parking in the rear. James Tate replied that the reasons were aesthetic, providing for landscaping in the front area, as well as safety resulting from providing vehicular access in the rear. He pointed out that the Committee wished to avoid a situation in which cars were sitting between the sidewalk and the buildings, such as at Wright Memorial Square. Comm. James commented that that was just a matter of opinion.

Hank Ross said that the intent had been to create a more traditional downtown look; Dennis DeWolf agreed that the objective was creating the same atmosphere as Main Street. Comm. James said he was also concerned over routing traffic into an alley having a 20-foot right-of-way, where loading and unloading occurred.

The Board further discussed the various recommendations which had been made by the Committee at some length.

At the end of the discussion, Eddie Madden stated that he appreciated the effort that the Land Use Planning Committee had made on the recommendations over the past few months. The Mayor also commended all 13 members of the Committee for their work.

The Board agreed by consensus to hold a work session to further consider the recommendations during the second regularly scheduled meeting in September.

VII. MOVED BY COMM. SOSSOMON, 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 8:35 p.m.

Richard Betz, Town Clerk