

PUBLIC HEARING and REGULAR BOARD MEETING of May 19, 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, Kathleen Snyder, Kim LeWicki, Steve & Brenda Pierson, Alan Marsh, Stuart Armor, Jean Morris, Helen Meisel, Rosemary Fleming, Virginia Fleming, Pat Moore, Jerry Talley, and others.

A. PUBLIC HEARING.

Mayor Trott called the Public Hearing to order at 7:00 p.m. and stated that this was the time and place to receive comments from the public on a proposed amendment of the Zoning Ordinance adopting an Appendix C, "Approved Colors and Exterior Materials for Commercial Buildings."

The amendment had been advertized in The Highlander newspaper pursuant to law. Town Administrator Richard Betz and Town Planner Kathleen Snyder reviewed the amendments and displayed the proposed color chart.

The Town Administrator said that a question had been raised by a member of the public about the permissibility of re-painting existing buildings which do not conform to approve colors, since the amendment as drafted only regulates "change in color or exterior materials."

Brenda Pierson was present, and said that she remembered that the Planning Board had intended that eventually all colors would conform to the color chart. The consensus was that new language should be drafted to clarify that the amendment would apply to the re-painting of non-conforming colors as well as a change in colors.

Comm. James asked why the amendment permitted simulated building materials only in the Fire District, since that encompassed most of the downtown commercial area; he felt there was no good reason to prohibit it in the rest of the Town. Comm. McCall agreed.

There being no further comments, the Mayor closed the Public Hearing at 7:10 p.m.

B. REGULAR BOARD MEETING.

I. Call to Order.

Mayor Trott called the Regular Board Meeting to order at 7:10 p.m.

II. Approval of Agenda.

The Clerk requested that presentation of the FY 99-00 budget be added to the agenda.

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 May 5 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that the Committee appointed on May 5 to discuss alternatives for improving Bowery Road would be facilitated by Anne Jones, Executive Director of the Peggy Crosby Center, assisted by Rex Toothman; the first meeting of the Bowery Road Committee would

be held at 7:00 p.m. on Thursday, May 27, in the Board Room of the Peggy Crosby Center on Fifth Street.

Comm. Patterson asked if the Board had a goal in mind for the Committee, an idea of what the Town would like to accomplish. The Mayor replied that the goal would be resolving the situation, looking at all of the possible alternatives; the Board would have to make the final decision. Comm. Patterson asked what "the situation" was.

She felt that there were two sides to the controversy, and unless a goal was defined, it would be impossible to know if it was reached; she wondered, for example, if a safe road was the goal of everybody involved. Similarly, she felt that "improving" the road was very open-ended; it could mean everything from scraping and placing a load of gravel to paving the road.

Comm. McCall said he felt the Committee should return with one recommendation for the Board to consider.

Comm. James felt that the goal would be to improve Bowery Road so that it was at least wide enough for vehicles to pass one another.

He also pointed out that the Committee would be meeting with D. O. T. officials.

The Mayor said he did not want to shape the decision of the Committee; he said they were grown people, and he felt they would make good decisions and return a recommendation to the Board; he did not think a specific goal needed to be spelled out.

2. The Mayor reported that, beginning the week of May 24, the Police Department would be participating in a state-wide "ABC" program, "America Buckles up Children;" patrol officers would be checking to determine that children were in safety seats and seat belts as required by law. The program featured a zero-tolerance policy for unbuckled children, and violators would be subject to a \$25 fine.

3. The Mayor reported that the Macon County Vision Y-2025 Committee had held its first public forum in Franklin the previous evening and it had been well attended. Meetings in the coming months would be held every Tuesday evening at 7:00 p.m. in Tartan Hall, with the next meeting scheduled for May 25.

4. The Clerk reported that the second meeting of the Cullasaja River Basin project, organized by the Water Quality Section office in Asheville in preparation for the Basinwide Management Plan, would be held at the Highlands Civic Center on Thursday, May 27, at 1:30 p.m.

V. Old Business.

1. Each Board member had received the second draft of a proposed resolution opposing the designation of a 7.5-mile segment of the Cullasaja River as a Natural and Scenic River, as discussed at the previous meeting, incorporating a reference to the Water Plant as agreed. The Mayor proposed forwarding the resolution to Senator Bob Carpenter upon adoption; he said the Senator was monitoring the bill and it had not yet been introduced into the legislature.

Comm. Patterson pointed out that G. S. §113-36 called for a public hearing before designation, and she wondered if one would be held; no one present knew the answer to this question. Comm. Patterson then said that, although designating the Cullasaja a Natural and Scenic River looked great on the surface, it would actually not give any protection or help the river in any way, since it was already controlled by the U. S. Forest Service; the only benefit cited in the Feasibility Study was an increase in visitors, which the gorge road could not handle. She also felt that the designation could potentially take the science and logic out of what could be discharged from the Town's Wastewater Treatment Plant, which might be detrimental to the Town. For these reasons, she would vote to oppose the designation.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY
CARRIED TO ADOPT THE FOLLOWING RESOLUTION:

**A RESOLUTION
OF THE BOARD OR COMMISSIONERS OF THE TOWN OF HIGHLANDS
OPPOSING THE DESIGNATION OF THE CULLASAJA RIVER
AS A NATURAL AND SCENIC RIVER**

WHEREAS, the Town of Highlands has over many years affirmed the principle stated in its comprehensive 1990 Land Use Plan, the importance of "preserving, protecting, and enhancing those gifts of nature which make up the unique quality of our Town and its environs;" and

WHEREAS, in keeping with that objective, Highlands has historically enforced a comprehensive system of land use regulations, including one of the most effective zoning ordinances in Western North Carolina, subdivision regulations, a locally-enforced Soil Erosion Ordinance, and Watershed Protection Regulations that far exceed the minimum standards required by the Watershed Protection Act; and

WHEREAS, Highlands has, in addition to its Land Use Plan, devoted considerable resources to commissioning comprehensive water and sewer studies, seeking to provide these services throughout the Town to its citizens while at the same time protecting our land and water resources; and

WHEREAS, Highlands has based its policy decisions over the past several years on both its Land Use Plan and comprehensive water and sewer studies, including a decision to construct a new \$2.8 million state-of-the-art Wastewater Treatment Plant, which is permitted to discharge a maximum of 500,000 GPD of treated effluent into the Cullasaja River; and

WHEREAS, the Town's objective in constructing its new wastewater treatment facility was to improve and protect the water quality of the Cullasaja River by providing reliable municipal sewer service for existing development around the shores of these lakes and elsewhere in Town, and by removing the discharge from its old wastewater treatment facility from Lake Sequoyah; and

WHEREAS, in addition to its historic support for protecting natural resources in general, the Town's new Wastewater Treatment Plant has an outstanding record of compliance since it was placed into operation in 1995, and studies conducted by the Water Quality Section of the Division of Environment and Natural Resources have concluded that the facility has not in any way adversely impacted water quality of the Cullasaja River; and

WHEREAS, the North Carolina Natural and Scenic Rivers Act was passed in 1971 to preserve and protect outstanding free-flowing rivers, their water quality, and their adjacent lands for the benefit of present and future generations, pursuant to G. S. §113A-30 through §113A-44; and

WHEREAS, a Feasibility Study and Recommendation was prepared on March 10, 1999, by the Division of Parks and Recreation of the Department of Environment and Natural Resources, recommending that the 7.5-mile segment of the Cullasaja River beginning at the spillway of the Lake Sequoyah Dam be designated a Natural and Scenic River; and

WHEREAS, despite assurances from officials with the Water Quality Section and the Division of Parks and Recreation that designation as a Natural and Scenic River does not impose additional water quality regulations on such rivers, it has come to the Town's attention that the enabling legislation, G. S. §113A-44, states in part, "No department or agency of the State may assist by loan, grant, permit, or otherwise in the construction of any water resources project that would have a direct and adverse effect on any river that is designated as a component or potential component of the Natural and Scenic Rivers System;" and

WHEREAS, the Town of Highlands believes that the foregoing Statute could be construed to limit its ability to discharge treated effluent from its Wastewater Treatment Plant into the Cullasaja River, or to expand said facility at some time in the future, or to operate or expand its Water Treatment Plant.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Town of Highlands, that

(1) The Town of Highlands re-affirms its historic support for preserving and protecting the environment, and particularly the water quality of the Cullasaja River.

(2) Notwithstanding the foregoing, the Town of Highlands hereby goes on record opposing the designation of the Cullasaja River as a Natural and Scenic River, and any other designation or legislation that would limit the operation of its Wastewater Treatment Plant or Water Treatment Plant or its future expansion.

This resolution is adopted this 19th day of May, 1999.

VI. New Business.

1. The Board discussed the proposed amendment of the Zoning Ordinance, subject of a public hearing immediately preceding this meeting. As a result of comments and discussion during the public hearing, the consensus of the Board was to modify the amendment as follows:

- Add the words "or replacement" in first sentence of proposed new Section 702.2, paragraph (C).

- Replace Section (H) of Appendix C, under Exterior Materials, with the following: "Simulated Materials: Simulated permitted materials may be used, provided such materials are reviewed and approved by the Zoning Administrator."

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADOPTED THE FOLLOWING AMENDMENT OF THE ZONING ORDINANCE, EFFECTIVE IMMEDIATELY.

* * *

1. Add the following paragraph to Section 702.2, Additional requirements for Zoning Certificate in Commercial Zoning Districts:

"(C) Change in Color or Material of Building.

No person shall commence or proceed with the change or replacement of color or exterior material on any existing commercial building, as defined herein, prior to the issuance of a Zoning Certificate. Application for a Zoning Certificate shall be filed with the Zoning Administrator, and the required information shall include

a sample of the proposed color or colors for the building and/or a description of the proposed material. The Zoning Administrator shall issue a Zoning Certificate if the change in color and/or exterior material generally conforms to the chart set forth in Appendix C of this Ordinance. Approved colors and materials need not match specific colors and materials in the chart, but the given shades or types shall fall within the parameters defined by the chart as determined by the Zoning Administrator."

2. Add the following Appendix C, "Approved Colors and Exterior Materials for Commercial Buildings":

COLORS

"In accordance with Section 702.2(C) of this ordinance, all colors for commercial buildings shall generally conform to the official Color Chart, which shall be maintained in the office of the Zoning Administrator. Approved colors need not match specific colors in the chart, but the given shades shall fall within the parameters defined by the chart as determined by the Zoning Administrator."

EXTERIOR MATERIALS

"In accordance with Section 702.2(C) of this ordinance, all exterior materials for commercial buildings shall conform to the following standards; a maximum use of three of the materials shall be used over the entire building.

- A. Stucco, float finish, smooth or coarse, machine spray, dash & troweled, and limited to 30% on any one facade.
- B. Wood Clapboard, 5"+ to the weather
- C. Wood Singles, 5"+ to the weather
- D. Wood Board or Batten Board, 8" to 12"
- E. Wood Shiplap Siding, 4"+ to the weather
- F. Unpolished natural regional stone w/ashlar or random ashlar pattern.
- G. Clay brick, antique or unglazed.
- H. Simulated Materials: Simulated permitted materials may be used, provided such materials are reviewed and approved by the Zoning Administrator.

* * *

2. The Board again discussed appointments to the Zoning Board, Planning Board, Appearance Commission, ABC Board, Scholarship Committee, and Advisory Committee for Scholarship Endowment Fund, as discussed at the previous meeting. The Clerk had prepared a list for nominating members, as suggested last year by Comm. James, as well as a list of candidates who had been suggested or who had replied to the recent notice in the newspaper. The Mayor said that he felt this process was a good idea; he suggested that each Board member place the names of nominees on the list and forward it to the Clerk for tabulation by the next meeting, at which a decision would be made. The Board agreed by consensus.

3. Pat Moore was present on behalf of the Performing Arts Center Inc./Highlands-Cashiers Music Festival (PACI/HCMF), asking the Board to approve a proposal concerning the Community Bible Church building

on Chestnut Street. Mr. Moore said that the PACI/HCMF would proposed to buy the existing church property; make appropriate repairs, replacements, and modifications to insure a sound property in good working order; upgrade the facility to meet sound, lighting, stage, etc. performance needs; name the facility; maintain, on a regular and as necessary basis internal furnishings and specialized equipment such as sound, lighting, office equipment, etc. through the term of the lease; provide regular and appropriate internal cleaning and house-keeping; schedule and manage the facility; and gift the land and facility to the Town of Highlands. In return, they would request the Town to approve the name; lease the property to the PACI/HCMF for 25 years, renewable thereafter in 5 year increments for \$1.00 annually; provide maintenance and upkeep on the facility and property; provide insurance; and provide utilities with the exception of telephone.

Replying to questions from the Mayor and the Board, Mr. Moore further explained that the Chamber Music Festival's normal season was from July 10 until the first week of August, with another concert at the end of October; concerts were held at 5:00 p.m. on Saturdays and Sundays, and 7:30 p.m. on Tuesdays, and normally were two hours in length. Daytime programs for children, now being held in various locations, would also be scheduled. It was proposed that several other small organizations would share the facility, including the Highlands Community Players, whose season begins in the fall and ends in the spring; the Art Gallery film series, held in the fall and winter; and HIARPT in June. The High School band and the Center for Life Enrichment speaking program would also be welcome. The facility seats 160, and there are 56 parking spaces on site.

Mr. Moore reiterated the need for a permanent facility for the Chamber Music and other small organizations; at present, much time and energy went into logistics, moving seats and platforms, and negotiating schedules. The coalition of the several groups interested would be represented by a Board, currently proposed to consist of 11 members. He said that he and the Clerk had been reviewing the leases for the Playhouse and the Conference Center, and he pointed out that the fundamental difference was that this building would be purchased and gifted to the Town; in return, he asked the Town to consider the longer lease and a more active role in maintenance and utilities.

Rent and fees for users of the facility would be minimal to cover housekeeping costs, and it would be neither a profit-making enterprise nor a "hall for hire." He added that he had met with nearly all of the neighbors, and they were very favorable. The Clerk pointed out that the proposal would also require a change in zoning from R-2 to GI (Governmental-Institutional).

After some additional discussion, the Board agreed to take this proposal under advisement. In the meantime, Mr. Moore and the Clerk were to provide the Board with copies of a preliminary draft of a lease, such as the Conference Center lease with appropriate changes indicated, as well as a tentative schedule.

4. The Town Treasurer distributed copies of the FY 99-00 Budget Message, proposed Budget Ordinance, and line-item budget. He then presented the budget to the Board, highlighting the major capital expenditures, revenue issues, and other important features of the budget. Information on wages and salaries had not yet been assembled.

The Board agreed to schedule a Special Meeting on June 9 at 7:00 p.m. Most of the meeting would be held in closed session, and the primary purpose would be to discuss individual salaries for the coming year.

The Board also agreed to hold a Budget Hearing at 7:00 p.m. on June 30 to receive comments from the public on the proposed budget.

5. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO AWARD SCHOLARSHIPS, PURSUANT TO G.S. §143-318.11(a)(2).

Each Board member received a copy of a letter from Orville D. Coward Jr. on behalf of the Scholarship Committee, recommending scholarships in 1999 totalling \$33,250 to 50 individuals.

The Board discussed a concern expressed by Comm. James that the amount of scholarships disbursed relied this year, as in recent past years, on appropriation from the fund balance, in addition to the interest on the scholarship endowment fund and other unrestricted funds.

MOVED BY COMM. MCCALL, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION.

6. MOVED BY COMM. MCCALL, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO AWARD SCHOLARSHIPS PURSUANT TO THE RECOMMENDATION OF THE SCHOLARSHIP COMMITTEE.

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

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:45 p.m.

Richard Betz, Town Clerk