

REGULAR BOARD MEETING of February 28, 2007, with Mayor Don Mullen and Commissioners Alan Marsh, Amy Patterson, Hank Ross, and Dennis DeWolf present. Comm. H. N. James was not present.

Also present were Richard Betz, Lamar Nix, Sonjia Stewart, Mitchel Sorin, John Fisher, Kim Lewicki, Linsey Wisdom, Eric NeSmith, Bob Kieltyka, Clem Patton, Bronce Pesterfield, Robert Nass, William and Susanne Morris, and others.

I. Call to Order.

The Mayor called the meeting to order at 6:00 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Clerk asked that one item of New Business, a resolution approving the Clean Water Management Trust Fund grant application for the Harris Lake Sewer project, be added.

MOVED BY COMM. ROSS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

III. Special Order.

Mitchel Sorin and John Fisher had been asked to attend the meeting by the Town Hall Architectural Committee. Mr. Sorin said that he had collaborated with Mr. Fisher on several projects in the Asheville area and they were prepared to work together on this project as a joint venture. They both gave an overview of the design process, their own architectural philosophy, and reviewed several projects they had designed; both were LEED- certified. Mr. Sorin outlined three phases in the three- to five- month design process: programming and data collection, master planning, and conceptual design consisting of floor plans and elevations. They agreed to provide more information on the cost to proceed. The Mayor then declared a brief recess, and the Board re-adjourned at 7:00 p.m.

IV. Approval of Minutes.

Copies of the minutes of the February 7 Regular Board Meeting had been distributed by mail.

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

V. Reports.

1. The Mayor reported that he would be attending a "Working for Results as a Board" seminar in Asheville on Friday.
 2. Comm. DeWolf reported that the roof replacement was underway at the Civic Center, and remodeling was also underway at the Community Building; the latter was 7½% to 8% under budget.
- Comm. Ross reported that Gary Nicholson had met with Planning Board members earlier in the day and would be meeting with the Organizational Review Committee the next day.
3. The Town Administrator reported that the Clean Water Management Trust Fund grant application for the Harris

Lake Sewer Project had been prepared by McGill and was ready for submittal the next day; the total project cost was \$2.6 million, and the Town's matching 25% share was \$650,000. He also reported that he had issued a Notice of Violation to Riverwalk on February 16 for several items, including failure to provide an updated plan; the plan had been delivered earlier in the day and he understood they were working to address all of the problems noted in the NOV. He also reported that Wesley Grindstaff had agreed to meet with the Public Works Committee on March 7 at 10:00 a.m. to discuss Chestnut Street and NC-106. Each Board member had received a letter from Highlands Playhouse thanking the Board for permission to use the Civic Center for its antique show but reporting that they had decided to move the location from Highlands. A letter had also been received from the Property Manager and Board of Directors of Pinebrook expressing concerns over a proposed sidewalk along Fifth Street.

VI. Old Business.

1. The Board again reviewed the proposed ETJ map and the remaining properties which had not been designated R-1-ETJ on January 24. A map had been prepared of all of the Skyline Lodge properties discussed at that meeting, and the Board reviewed it in some detail. The Planning Board had recommended B-5 zoning for the lodge itself, and R-1 for the rest of the property owned by Skyline Lodge and Robert Nass. Mr. Nass was present and showed the Board Macon County Health Department septic system permits and plans for two four-unit condominiums, which he said he had planned to build when the economic had improved; he also had plans to construct condos on others lots he owned but had not yet received permits. The lots permitted for septic tank were Lots 30, 31, 32, and 33.

MOVED BY COMM. MARSH, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO DESIGNATE THE LOT WHERE THE MAIN LODGE IS LOCATED, PLUS THE ADDITIONAL FOUR LOTS 30, 31, 32, AND 33, AS B-5, AND THE REST OF THE SKYLINE LODGE AND ROBERT NASS PROPERTY AS R-1-ETJ.

Comm. Marsh expressed some concerns over the Chambers and Keener properties, recommended as B-5 by the Planning Board. Comm. Ross said he wanted to be sure the Board was consistent with all commercial properties. The consensus was that the non-conforming uses on these properties could continue under the current Ordinance, and in addition the new proposed amendments would clarify that they could expand or re-build if destroyed by fire.

MOVED BY COMM. MARSH, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO DESIGNATE THE CHAMBERS AND KEENER PROPERTIES AS R-1-ETJ RATHER THAN B-5.

Comm. Marsh also noted that the Planning Board had clarified its intent with respect to the Mountain Moorings property: only the lot containing condos was recommended for R-3 zoning; the rest should be R-1.

MOVED BY COMM. ROSS, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO DESIGNATE THE MOUNTAIN MOORINGS LOT ON WHICH THE CONDOS ARE LOCATED AS R-3, AND THE OTHER LOTS SHOWN ON THE MAP AS R-1.

The Board also discussed the large area designated as R-4 in the vicinity of Rolling Acres, as well as the B-4 property owned by Dennis Potts. Planning Board member Clem Patton said that the Planning Board recommendation had been presented as a complete package but was the result of compromise and exceptions; some members felt these areas should have been R-1-ETJ, others felt they should be R-4. Comm. Ross again said that he felt the proposed amendments on non-conforming uses, which had not been on the table at the time of the recommendations, would resolve many concerns.

MOVED BY COMM. MARSH, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO DESIGNATE THE AREAS RECOMMENDED FOR R-4 ZONING IN THE VICINITY OF ROLLING ACRES, AND THE POTTS PROPERTY RECOMMENDED FOR B-4 ZONING, ALL AS R-1-ETJ.

The Board also discussed at great length the large area shown on the map as R-2 north of Town. The intention of the Planning Board had been to provide this zoning in order to permit manufactured homes. After some discussion, it was

agreed that a detailed map should be prepared showing ownership of the lots and whether or not structures were located on them. The Board also discussed the Jones property on NC-106, which had not yet been designated; a survey was to have been prepared but had not yet been received showing the exact area that Mr. Jones requested be zoned B-5. No action was taken on these two areas, but the Board agreed to discuss them at the March 7 meeting when the map had been prepared.

2. The Board again discussed a request from Al Bolt to widen Second Street to two lanes; each Board member had looked at the property since the previous meeting.

MOVED BY COMM. MARSH, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO DENY THE REQUEST.

3. The Board discussed concerns raised at the previous meeting by Comm. Ross concerning soil erosion plan preparation. The Town Administrator reported that there was no legal requirement that a civil engineer prepare plans, although the Asheville Regional Office recommended that major plans be prepared by an engineer, landscape architect, architect, or surveyor. Comm. Ross felt that plan preparation should conform to the State manual and that the Ordinance should not specify who may prepare plans.

MOVED BY COMM. ROSS, SECONDED BY COMM. PATTERSON, AND CARRIED TO AMEND THE SOIL EROSION ORDINANCE ADOPTED ON FEBRUARY 7, 2007, TO REMOVE THE REQUIREMENT IN SECTIONS 6(C) AND 15(D) THAT PLANS BE PREPARED BY A CIVIL ENGINEER. Comms. Ross, Patterson, and Marsh voted "aye" and Comm. DeWolf voted "nay."

VII. New Business.

1. Each Board member had received copies of proposed amendments to the Subdivision Ordinance and Zoning Ordinance clarifying clustering, and to the Zoning Ordinance permitting equipment sheds on vacant lots and permitting non-conforming uses to re-build and expand. The Town Attorney had reviewed the amendments, and the Planning Board had also reviewed them at its February 26 meeting and recommended approval. The Town Administrator explained the amendments in some detail. Clem Patton, the one Planning Board member who had voted not to approve the clustering amendment, expressed his concerns that the clustering provision could permit developers to increase density on property by adding unbuildable land such as wetlands as part of the project. Comm. Patterson expressed concern over the common open space provision; she felt that some language should be added to indicate that such space should be undisturbed and natural, preserving what is there. Several small clarifications and errors were also corrected, including the addition to paragraph (2)(b) of the proposed non-conforming use provision of the phrase, "except in conformance with this ordinance."

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING TO RECEIVED COMMENTS ON THE AMENDMENTS AT 7:00 P.M. ON APRIL 4.

2. Each Board member had received a petition for re-zoning from William T. & Susanne Morris for property recently zoned R-1 in the ETJ on NC-106. Ms. Morris was present and said that the house, which had been used as commercial property in the past, adjoined other B-5 property; the property was on the market and there had been some interest in it as commercial property but none as residential property due to the traffic noise.

MOVED BY COMM. MARSH, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO SEND THE PETITION TO THE PLANNING BOARD FOR REVIEW.

3. As discussed at the previous meeting, an estimate of \$47,350 had been prepared by the Town Engineer for a five-foot sidewalk, two-foot grass strip, and curb-and-gutter along the west side of Fifth Street from Pine Street to Chestnut Street. Lamar Nix reported that the updated estimate for replacing all of the trees and planters on Main Street was \$65,000, and the cost of constructing a handrail along Fifth Street between Main and Oak Street Alley was \$34,000. The Board discussed a letter from Pinebrook property owners. Comm. Patterson said that the Stormwater Master Plan

had recommended a five-foot grass strip; she wondered if such a strip could be included to address the stormwater issue, or alternatively if a gravel path or possibly a pervious sidewalk could be constructed.

MOVED BY COMM. MARSH, SECONDED BY COMM. ROSS, AND CARRIED TO PROCEED WITH THE SIDEWALK AS DESIGNED. Comms. Marsh, Ross, and DeWolf voted "aye" and Comm. Patterson voted "nay."

MOVED BY COMM. ROSS, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO PROCEED WITH THE TREES AND PLANTERS ON MAIN STREET AND THE HANDRAIL.

The Town Engineer offered to provide a count of the number of remaining trash cans needed to complete the streetscape.

4. Bronce Pesterfield presented a plan for the improvement of the intersection of US-28 and South Fourth Street, which he said he had discussed with D.O.T. officials; they had all expressed support for the project but had said it would have to be a Town project. He said OEI was prepared to proceed with the improvements, including the pavement and traffic islands, a six-foot sidewalk and two-foot grass strip and curb-and-gutter, and both sanitary sewer and storm sewer improvements in the area; funds could be provided by the D.O.T. and reimbursed through the Town to OEI at a later time pursuant to an agreement between the Town and OEI.

MOVED BY COMM. ROSS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO WRITE A LETTER TO THE D.O.T. REQUESTING THE PROJECT AS A TOWN PROJECT AND PURSUING FUNDING.

5. Each Board member had received a letter requesting water service to a lot to be subdivided from a 1.82 acre lot where John and Luba Barnhardt owned a home on Valentine Lane in the ETJ south of Town. The Town Administrator explained that current policy permitted water service to those areas where water had been provided prior to the 1980 policy of requiring annexation, but it was unclear whether it would apply in the case of a subdivision.

MOVED BY COMM. MARSH, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO APPROVE THE REQUEST.

6. Each Board member had received a copy of a proposed resolution approving the Clean Water Management Trust Fund grant application for the Harris Lake Sewer project.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO ADOPT THE RESOLUTION.

VIII. MOVED BY COMM. MARSH, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared by the Mayor to be adjourned at 9:15 p.m.

Richard Betz, Town Clerk