

## **REGULAR MEETING OF THE TOWN BOARD OF COMMISSIONERS OF AUGUST 4, 2010**

Town Board Present: Mayor David Wilkes, Vice Mayor Amy Patterson, Commissioner Dennis DeWolf, Commissioner Larry Rogers, Commissioner John Dotson and Commissioner Gary Drake.

Also Present: Lamar Nix, Town Engineer, Joe Cooley, Planning and Development Director, Selwyn Chalker, Recreation Director and Jim Fatland, Town Manager.

### **1. Call to order**

Mayor David Wilkes called the meeting to order at 7:00 p.m.

### **2. Public Comments**

Judy Michaud spoke with the Board and wanted to thank both the Recreation and Police Departments for their work during the Bark for Life that recently took place. Ms. Michaud also stated that she has only heard good things about the dog park and that it is a great asset to the Town of Highlands.

Rick Siegel also spoke about the dog park and said that the amount of usage is wonderful and the cost for making the dog park happen was less than anticipated. Mr. Siegel also wanted to thank the Town Board for their hard work in making this happen. Mr. Siegel advised that donations so far are over \$1,500.00.

### **3. Approve Revised Agenda**

Vice Mayor Amy Patterson moved to approve the Revised Agenda, was seconded by Commissioner Dennis DeWolf and was unanimously approved.

### **3. Approve Minutes of July 21, 2010**

Commissioner Gary Drake moved to approve the Minutes of July 21, 2010, was seconded by Commissioner Larry Rogers and was unanimously approved.

### **5. Reports**

#### **A. Mayor**

There was no Mayor report.

#### **B. Commissioners**

Commissioner Larry Rogers commented on the dog park and the great work done by the town crews. Commissioner Roger also stated that the stairs at the concession stand at the ball field has been repaired.

Mayor Wilkes commented about all of the work that has taken place within the Town and wished to thank everyone for their hard work.

Vice Mayor Amy Patterson advised that it was time for the Town Manager's review and the necessity to decide upon a format. Vice Mayor Patterson further stated that there needs to a different type of review as last year, Mr. Fatland was only in place for six (6) months. Commissioner Gary Drake discussed a "360 evaluation". Vice Mayor Patterson stated that the process needed to start now and the need to look at it from the Town's perspective and not just the Board of Commissioners. Mayor Wilkes advised that he would look into the League of Municipalities for direction and advise each board member.

Commissioner John Dotson discussed the need to finalize the employee grievance and was advised that the Town Attorney needed more time.

#### **C. Committees**

The Land Use Committee gave its report and advised that no changes to the ordinance is needed regarding allowed businesses.

The Finance Committee gave its report and advised that it is looking into insurance rates and will present its findings to the Town Board at a future date.

The Sustainability Committee gave its report and advised that it's next meeting is set for August 5, 2010.

Mayor Wilkes advised that the Parking Ordinance will be discussed at the next meeting of the Business Advisory Committee.

Commissioner Dennis DeWolf stated that he would like for the Recreation Committee to meet on a more regular basis and focus on the master plan.

#### **D. Town Manager**

##### **One Stop Voting Location in Highlands**

Kim Bishop from Macon County Elections was at Town Hall this past week to see if Town Hall would work as a one stop voting location the week of October 25, 2010. Ms. Bishop felt that the upstairs entry room would work fine and would be recommending the site to the Election Board for consideration.

##### **NC Emergency Management Reimbursement**

The Town has been notified by North Carolina Emergency Management officials that we will be receiving a reimbursement for 75% of costs incurred from the January ice storm. The Town will receive a payment totaling \$157,763. The total costs incurred were \$210,351. The Departments incurring the costs will be reimbursed for their expenses which included outside contractors for electrical power restoration and overtime for removal of debris, ice and snow.

### **Second Annual Mountain Tail Waggers Walk September 4, 2010**

Recreation Director Selwyn Chalker and Police Chief Bill Harrell have approved the parade route for the 2<sup>nd</sup> Annual Mountain Tail Waggers Walk in Highlands. The route this year will incorporate the new dog park.

### **TOWN HALL OPEN HOUSE**

Open House for the newly renovated Town Hall be set for Thursday September 2<sup>nd</sup> 3PM to 6PM.

### **NON PROFIT GRANT AWARDS**

Checks have been sent to the nonprofit grant awards recipients. The Town has already received thank you letters from the non profits.

### **ENERGY EFFICIENT GRANT**

The Town completed a grant application this week and submitted it to the North Carolina Department of Energy's Program "Energy Efficiency in Government Buildings. In our application, the Town of Highlands is seeking funding for the replacement of the civic center's old inefficient oil-fired heating system with a new more efficient propane heating system. The grant application totals \$144,660 and does not require a local match. However, if awarded there will be some project costs that are ineligible for grant funding to replace the boiler. Special thanks to Kevin O'Donnell, Selwyn Chalker and Rebecca Shuler on preparing the grant application.

### **THIRD STREET SIDEWALK CONSTRUCTION (SPRING STREET TO HWY 28)**

The Town has received the necessary easements and will be proceeding with constructing a new sidewalk on Third Street between Spring Street and Hwy 28. This project was approved in this year's budget.

### **NC RURAL CENTER GRANT FOR SEWER MASTER PLAN**

State Senator Snow has responded to Mayor Wilkes letter for support. NC Rural Center was in touch with staff this week that our grant application looks very strong. In addition, receiving notification recently on our Main Street Selection will give us additional points when their decision is made in late August.

#### **6. Resolution to participate in NC Small Town Main Street Program**

The Town of Highlands has been selected to participate in the 2010-2011 NC Small Town Main Street Program. The Town Board reviewed of a letter from J. Keith Crisco of the North Carolina Department of Commerce dated July 12, 2010 congratulating the Town on being selected as a participant. Kick-off meetings are to be held in September, 2010 and copies of the proposed agendas were provided to the Town Board.

As to the fiscal impact, funds have been budgeted in the FY11 Planning and Development budget for Main Street expenses.

It is necessary that a Resolution to participate in the NC Small Town Main Street Program be approved by the Town Board, as follows:

**RESOLUTION  
AN AGREEMENT TO PARTICIPATE IN THE  
NORTH CAROLINA SMALL TOWN MAIN STREET PROGRAM  
2010-2011**

**WHEREAS;** the North Carolina Department of Commerce, Division of Community Assistance, Office of Urban Development has established a Small Town Main Street Program to provide technical assistance in downtown revitalization, utilizing the “Main Street Four-Point Approach” of Organization, Design, Promotion and Economic Restructuring, to selected small towns in North Carolina; **and**

**WHEREAS;** several towns have been selected to receive a more detailed level of service incorporating all of the “Main Street Four Points”; **and**

**WHEREAS;** the Department of Commerce has selected the Town of Highlands to participate in the program and the Town wishes to participate; **and**

**WHEREAS;** The Town understands that travel related expenses of the technical staff and the one-time cost for the economic data report , are expenses which will be reimbursed by the town of Highlands to the Department of Commerce/Small Town Main Street program; **and**

**WHEREAS;** the Town understands that a high level of community participation and commitment is required on the part of the Town and community in order to ensure that the program is as successful as possible:

**THEREFORE, BE IT RESOLVED;** that the Town agrees to participate in the Small Town Main Street Program and abide by the following conditions:

1. The Town will actively participate in the Small Town Main Street Program for an initial period of no less than twelve (12) months.
2. The Town will designate a contact person in the community for the technical assistance team to coordinate with in order to provide continuity and leadership for the effort.
3. The Town will assist in organizing a volunteer committee and working subcommittees that are representative of the entire community, to provide focus for the program.
4. The Town will support the volunteer committee and will assist the committee

and team in conducting a community assessment and community projects and any other necessary activities.

5. The Town will cooperate with the technical assistance team and committee to develop a community vision and plan of action.
6. The Town will implement the plan of action to the fullest extent possible.
7. The Town will develop and actively participate in local and regional partnerships and networks, and share resources and information gained through the program with other communities in the region.
8. The Town agrees to pay for an economic data report.
9. The Town agrees to reimbursement of certain travel related expenses; mileage & meals.

ADOPTED BY THE TOWN BOARD of \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

\_\_\_\_\_(SEAL)

Mayor

\_\_\_\_\_  
Clerk

Mayor Wilkes inquired of the dates in the kickoff drafts and was advised that they were merely drafts. Mr. Fatland advised that at the first meeting, all elected officials are to be present. Dates are presently being coordinated.

There was no further discussion.

Commissioner Gary Drake moved to approve the Resolution to participate in NC Small Town Main Street Program, was seconded by Commissioner Dennis DeWolf and was unanimous.

#### 7. **Downtown Business District Parking Ordinance Revision**

Mayor Wilkes discussed Fourth Street and the elimination of employee parking on that street. Mayor Wilkes also discussed Church Street. This discussion took place because of new businesses that have opened.

Bob Kieltyka of the Chamber of Commerce spoke with Town Board and advised that he had spoken with all of the business owners on Fourth Street and advised that they are all in agreement to restrict employee parking on that street. Mr. Kieltyka also discussed the restricted parking on Church Street and how it is being self-policed. Mr. Kieltyka suggested that if the east end of Church Street was opened to everyone, it would give business owners and employees a chance to park closer. Commissioner John Dotson agreed with Mr. Kieltyka to opening up Church Street.

Richard Delany of Old Edwards Inn wrote a letter to the Town, which stated that the Inn was in agreement.

Vice Mayor Patterson inquired why there were no restrictions to parking at The Falls on Main and was advised by Joe Cooley that area had not been defined as part of the business district.

Commissioner John Dotson discussed parking and realty offices.

As to the matter at hand, Joe Cooley stated that the Ordinance should be changed, as proposed, as follows:

**Sec. 7-117(a) Downtown business district ordinance – Definitions**

**Delete strike-out (in bold)**

*Employee-restricted parking areas* shall mean all parking spaces, both adjacent to the curb and in the center, **on Main Street between Second Street and Fifth Street, and that portion of Church Street located in the B-1 zoning district.**

**Replace strike-out (bold) with:**

**of any street, as reflected on the Town of Highlands Business District Parking Map dated and adopted August 4, 2010, and subsequent amendments to said map duly adopted by the Town of Highlands Board of Commissioners.**

**Full amended text to read:**

*Employee-restricted parking areas* shall mean all parking spaces, both adjacent to the curb and in the center of any street, as reflected on the Town of Highlands Business District Parking Map dated and adopted August 4, 2010, and subsequent amendments to said map duly adopted by the Town of Highlands Board of Commissioners.

Commissioner Gary Drake moved to adopt the changes suggested to Section 7.117(a) of the Downtown Business District Parking Ordinance, was seconded by Commissioner Dennis DeWolf and was unanimous.

Commissioner Gary Drake moved to modify the Town of Highlands Business District Parking Map dated and adopted August 4, 2010 to include restrictive parking on both sides of Fourth Street from Church Street to Spring Street and eliminate restrictions for employee parking on East Church between Fourth Street and Fifth Street from the generator on the north side to Fifth Street, was seconded by Commissioner Dennis DeWolf and was unanimous.

8. **Preliminary and Final Plat Approval (Subdivision Application #00111) – Gail Flynn**

Joe Cooley addressed the Town Board and advised that the subdivision application #00111 by Gail Flynn consists of a 1.54 acre parcel of property at 87 Cave Road. The proposal is to split the property into a 0.79 acre parcel and a 0.75 acre parcel. The property is zoned R-1 ETJ-Residential. The proposed 0.79 acre parcel contains an existing residence with a common septic system for two (2) two-bedroom houses approved by the Macon County Health Department. The proposed 0.75 acre parcel is vacant of structures. The subdivision meets all zoning, watershed, and subdivision requirements, and has an active septic system permit allowing two (2) two-bedroom homes from the Macon County Health Department.

The Planning Board has reviewed the subdivision at their regularly scheduled meeting in July. The Planning Board unanimously recommends approval of the preliminary and final plats. Staff also unanimously recommends approval of the preliminary and final plats.

There was no further discussion.

Vice Mayor Amy Patterson moved to approve the Preliminary and Final Plat of Gail Flynn, was seconded by Commissioner Larry Rogers and was unanimous.

9. **Preliminary and Final Plat Approval (Subdivision Application #00112) – Highlands Storage Village, LLC**

Joe Cooley addressed the Town Board and advised that the subdivision application #00112 by Highlands Storage Village, LLC consists of a 11.92 acre parcel of property at 2821 Cashiers Road. The proposal is to split the property into a 0.89 acre parcel and a 11.03 acre parcel. The property is zoned B-5 - Commercial. The proposed 0.89 acre parcel contains an existing commercial building. The proposed 11.03 acre parcel contains the highlands Storage Village storage facility. The subdivision meets all zoning, watershed, and subdivision requirements, as well as Macon County Health Department standards. The Town Board was given copies of an aerial photograph, Macon County's approval, the plat and the septic permit for their review and consideration.

The Planning Board reviewed the subdivision application at their regularly scheduled meeting in July, 2010. The Planning Board unanimously recommends approval of the preliminary and final plat and the staff also recommends approval. Mr. Cooley also stated that no re-zoning was necessary.

Vice Mayor Amy Patterson asked if the asphalt could be eliminated and Commission John Dotson inquired as to the percentage of the ground being covered by asphalt. Mr. Cooley advised that it was less than 70% impervious.

There was further discussion amongst the board members as to percentages, pervious surfaces, watersheds, state, county and town ordinances and the enforcement of the same.

Commissioner John Dotson moved to approve the Preliminary and Final Plat Approval of Highlands Storage Village, LLC, was seconded by Commissioner Larry Rogers and was unanimous.

10. **Board Appointment to Zoning Board of Adjustments**

Joe Cooley, Planning and Development Director, explained to the Town Board that Bill Rethorst left the Zoning Board of Adjustment after serving two consecutive terms. One of the alternates, Eric Pierson or Jimmy Tate needs to be appointed as a “member”. Mr. Cooley spoke to both and neither had a preference as to who would be a “member” but Jimmy Tate suggested that Eric Pierson become a “member” as Jimmy Tate had previously served as a “member”. Mr. Cooley advised that both, Eric Pierson and Jimmy Tate, do an excellent job on the Board and were appointed as “alternates” on the same date. Both have advised that they are fine with Board of Commission appointment.

Mr. Cooley further advised that Alan Frederick fulfilled his first term on the Zoning Board of Adjustment and needs to be reappointed for his second term. Mr. Frederick is willing to serve the second term but the formality of reappointment is needed.

In addition to the above, Mr. Cooley explained that an additional alternate needs to be appointed by the Board of Commissioners and that staff is currently seeking qualified persons interested in serving.

It is recommended that the Board of Commissioners appoint Eric Pierson as a “member” of the Zoning Board of Adjustment and reappoint Alan Frederick to a second term.

Commissioner Dennis DeWolf moved to appoint Eric Pierson as a “member” of the Zoning Board of Adjustment, was seconded by Commissioner Gary Drake and was unanimous.

Vice Mayor Amy Patterson moved to appoint Alan Frederick to a second term with the Zoning Board of Adjustment, was seconded by Commissioner Gary Drake and was unanimous.

11. **Update on Dog Park.**

Recreation Director Selwyn Chalker addressed the Town Board and advised that approximately \$8,300.00 had been spent for expenses and supplies on the dog park and that approximately \$1,400.00 has been collected in donations leaving a balance of \$6,900.00. Mr. Chalker discussed that attendance is up and further advised that a dog park fund is being set up.

Mayor Wilkes stated that it was a great project and was a job well done and thanks were given to Hank Ross for his insight.

12. **Update on Pine Street Construction Project**

Town Engineer Lamar Nix updated the Town Board and advised that the patch work and



curb work had started and that the stormwater retention system is working as it should. Mr. Nix advised that the completion date is August 17, 2010 and the contractor believes that he can meet that deadline. Mr. Nix also discussed the railing in front of the church will be replaced.

Commissioner Gary Drake moved the Town Board of Commissioners to closed session, was seconded by Vice Mayor Amy Patterson and was unanimous.

13. **Closed Session: Personnel Matter**

Vice Mayor Amy Patterson moved the Town Board of Commissioners to open session, was seconded by Commissioner Gary Drake and was unanimous.

14. **Adjourn**

Commissioner Larry Rogers moved to adjourn, was seconded by Commissioner Gary Drake and the Town Board meeting adjourned at 9:40 p.m.

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James R. Fatland  
Town Manager

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Jane J. Capman  
Recording Secretary

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David Wilkes  
Mayor