



Town of Mars Hill

MAYOR AND BOARD OF ALDERMEN

John L. Chandler
Mayor
Nicholas A. Honeycutt
Vice-Mayor
Robert W. Zink
Treasurer
Stuart L. Jolley
Clerk
Larry H. Davis
Secretary

MINUTES SPECIAL MEETING Mars Hill Town Hall – Conference Room June 10, 2022 at 9:00 a.m.

The Town of Mars Hill Mayor and Board of Aldermen met in emergency special session on Friday, June 10, 2022, at 9:00 a.m. in the Mars Hill Town Hall. The meeting was duly noticed to the public and media as required by N.C. General Statute 160A-71 and N.C. General Statute 143-318.12(b)(3).

MEMBERS PRESENT: Mayor John Chandler; Aldermen Larry Davis, Nicholas Honeycutt (by phone), Stuart Jolley, and Robert W. (Bob) Zink.

STAFF PRESENT: Nathan R. Bennett, Town Manager; and Jamie Stokes, Town Attorney (by phone)

OTHERS PRESENT: None.

Call to Order

The meeting was called to order by Mayor John Chandler. Mayor Chandler welcomed those in attendance and noted the only item to be discussed was the issue of a request for an easement into a town street.

Approval of the Agenda

Mayor Chandler asked the Board to review the proposed agenda for approval. Upon review of the agenda, Mayor Chandler called for a motion. **Alderman Stuart Jolley made a motion that the agenda be approved as presented.** Alderman Larry Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the agenda was approved unanimously. (Attachment A)

Easement Agreement request from Abbas Rakhshani for 34 N. Main property into Short Street for balcony

Mayor Chandler recognized Town Manager Nathan Bennett to provide information regarding the easement agreement request from Abbas Rakhshani. Mr. Bennett provided the Board with a summary of the construction activities undertaken by Mr. Rakhshani at his property located at 34 North Main Street. Mr. Rakhshani has opened a massage and wellness center at this location on the main floor adjacent to N. Main Street. He has undertaken additional renovation of the building in the basement level with the stated intention to provide living space. Over a year ago, Mr. Rakhshani had a doorway cut into the rear wall of the main floor of his building with the intention of installing a balcony. Mr. Rakhshani was notified by Town staff and the Madison County Building Inspector that the balcony would require approval by the Town as it would be constructed in the area of Short Street, property owned by the Town of Mars Hill as a public street, in addition to Madison County Building Inspections for state code compliance due to additional structural modifications to the building. Mr. Rakhshani was advised that initial designs he presented to the Town were not acceptable as they did not provide the required

height allowance for the traversing of vehicles utilizing Short Street. The designs also did not provide the required distance from Short Street required for the passage of vehicles utilizing Short Street. This week, Mr. Rakhshani provided Town staff with a new drawing for a proposed balcony extending four feet into Short Street with a vertical clearance of twelve feet. Mr. Bennett advised Mr. Rakhshani that the Mayor and Board of Aldermen would have to approve his request to extend this proposed balcony beyond his property boundary into the area owned and maintained by the Town of Mars Hill by way of a request for an easement agreement. On June 8, 2022, Mr. Rakhshani sent an email to Mr. Bennett formally requesting the board grant him an easement into Short Street to install this balcony. Now this easement request is before the Board for consideration. Mr. Rakhshani advised that time was of the essence as he had contractors in his building who could not proceed with their work without a decision from the town.

Mr. Bennett advised the Board that he and Fire Chief Nathan Waldrup have reviewed Mr. Rakhshani's balcony construction drawing and investigated the construction site to determine the feasibility of this balcony installation. Chief Waldrup confirmed that the preliminary construction activity indicated that the balcony would only be eleven feet and two inches (11' 2") at the lowest grade point and eleven feet and six inches (11' 6") at the highest grade point along Short Street, well below the stated twelve feet (12'). This height would restrict access to most high-profile commercial vehicles such as delivery vehicles, utility vehicles, and fire apparatus.

The Board discussed the merits of the project and also the necessity to keep the roadway, both vertically and horizontally, clear of permanent obstructions. Board members reviewed the documentation submitted by Mr. Rakhshani concerning the design elements of the proposed balcony. Board members noted the height issue, as well as the narrow street, as an impediment to vehicular travel into the travel lane. The Board also noted that an engineer or architect did not complete the submitted design therefore lacking the credibility for structural integrity to extend over public property. Town Attorney Jamie Stokes reviewed the law concerning the Boards authority as a property owner. That as a matter of law, the Board could grant an easement into the public property, but it would be a permanent transfer of control of the property to a private entity that could create future issues should the structure become unsafe or present some other hazard to people or vehicles.


Upon completion of discussion of the request for an easement from Mr. Abbas Rakhshani, Mayor Chandler called for a motion. **Alderman Davis made a motion to DENY the easement request from Mr. Abbas Rakhshani to construct a balcony into Short Street, property owned and maintained by the Town of Mars Hill, and directed the Town Manager to provide a written response of this Board decision to Mr. Rakhshani by 5:00 p.m. today, June 10, 2022.** Alderman Honeycutt seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously.

Adjourn


There being no further business before the Board, Mayor Chandler called for a motion to adjourn. **Alderman Zink made a motion to adjourn.** Alderman Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion to adjourn was unanimously approved.

Approved and authenticated this the 1st day of August, 2022.

ATTEST:


Nathan R. Bennett,
Town Manager




John L. Chandler, Mayor



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AGENDA

EMERGENCY SPECIAL MEETING

Mars Hill Town Hall Conference Room

June 10, 2022 at 9:00 a.m.

1. Call to Order – *Mayor John L. Chandler*
2. Approval of Agenda
3. Easement Agreement request from Abbas Rakhshani for 34 N. Main property into Short Street for balcony
4. Adjourn

Mars Hill Town Hall

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