

REGULAR BOARD MEETING of May 7, 1997

\*\*\*\*\*A PORTION OF THESE MINUTES WERE ACCIDENTALLY DELETED FROM THE COMPUTER; REFER TO HARD COPY IN THE MINUTE BOOK FOR "REPORTS" SECTION\*\*\*\*\*

IV. New Business.

1. The Board discussed the matter of the sidewalk to the U. S. Post Office at Highlands Plaza at some length with Town Attorney Bill Coward. As requested at the January 22 meeting, Mr. Coward had written a letter to Margaret M. O'Donnell dated February 10 requesting that a sidewalk be installed in accordance with the Master Sidewalk Plan, and advising that criminal or civil penalties could be imposed for failure to do so. He reiterated what he had said in the letter, and reported that he had been in communication with Kimila L. Wooten, an attorney representing Ms. O'Donnell; each Board member had received copies of letters dated April 8 and May 7 from Ms. Wooten to Mr. Coward. The consensus of the Board was that efforts to arrange a meeting with Carbone Construction and the U. S. Post Office, reported by Ms. Wooten, should not excuse Ms. O'Donnell from her responsibility as property owner of Highlands Plaza to install the sidewalk.

The Board agreed for Mr. Coward to meet with Eddie Madden, and issue a notice of violation, together with a 15-day deadline for installation of the sidewalk. The Board also asked the Public Works Director to obtain an estimate on installation of the sidewalk, to be forwarded with the notice.

2. Pat Griffin was present to again discuss the installation of signs directing people to businesses off Main Street, as discussed at the April 9 meeting; the signs would be either municipal signs saying "More Shops," or directories listing the actual names of the shops. The Clerk pointed out that the former would be permitted by the Sign Ordinance as exempt signs, but the latter would be prohibited as off-premise signs. Comm. James added that it would be hard to keep any business off Main Street from participating in the directory signs, and he felt it would not look good to have signs all over Town. Ms. Griffin said she would be satisfied with the municipal signs. The Board agreed to refer this matter to the Planning Board/Appearance Commission for review, which it was reported would meet next on June 2.

3. The Board again discussed a proposal from Highlands Cable Group for a second Cable TV franchise in Highlands. The Clerk had obtained a proposal from Custom Communications, a Cable TV consultant, to review the franchise, and had discussed it with its Vice President for Operations, David H. Harris. The firm had provided an earlier quote of \$9500 to re-negotiate the Northland Cable TV franchise, which would expire in 1999, and had claimed that it normally saved municipalities the amount of this fee on a re-negotiation. The Highlands Cable Group proposal submitted to the Board had been forwarded to Mr. Harris, who had informed him that he would need additional legal, technical, and financial information in order to be able to evaluate the proposal. The cost of examining these qualifications would be \$3000, and if found to qualify, he would negotiate a franchise agreement for an additional \$5000.

Comm. Calloway said he would welcome a second franchise in Highlands, and the Board agreed. The Mayor asked Nin Bond, who was present, if he would be willing to pay the initial \$3000 consulting fee; Mr. Bond said he would be happy to do so.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO ASK CUSTOM COMMUNICATIONS TO REVIEW THE QUALIFICATIONS OF THE HIGHLANDS CABLE TV PROPOSAL, AT THEIR EXPENSE, FOR \$3000, AND IF FOUND TO QUALIFY, TO BEGIN NEGOTIATIONS TO ENTER INTO A

FRANCHISE AGREEMENT.

V. New Business.

1. Sealed informal bids had been received on paving and/or resurfacing various streets, pursuant to invitation for bids published in The Highlander newspaper. The Clerk reported that only one bid had been received, from Rhodes Brothers Paving Inc.; he pointed out that the bid limit for informal bids was \$100,000. The Mayor opened the bid, which was accompanied by a Bid Bond, and which read as follows:

<u>Proposal</u>	<u>Paving</u>	<u>Leveling</u>
Proposal No. 1, Oak Street	\$ 8,104	\$ 5,151
Proposal No. 2, Satulah Drive	27,440	24,480
Proposal No. 3, Lucerne Drive	11,264	7,191

The total amount was \$83,630. The Clerk reported that only \$75,000 had been budgeted for street paving this year, but as suggested by the Public Works Director at the April 23 meeting, the lower portion of Satulah Road could be deducted from the contract as funds ran out.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO AWARD THE PAVING BID, PROVIDED THE TOTAL IS NOT TO EXCEED APPROXIMATELY \$75,000.

2. The Mayor reported that Tom Rusert had asked him to issue the following proclamation:

**RESOLUTION PROCLAIMING  
INTERNATIONAL MIGRATORY BIRD DAY  
SATURDAY, MAY 10, 1997**

**WHEREAS**, conservation of our important bird populations on the Highlands Plateau reflects the environmental concerns of our entire mountain community, and

**WHEREAS**, populations of our migratory birds returning to their nesting habitats on the Highlands Plateau and throughout the Americas are seriously endangered and declining.

**NOW, THEREFORE**, I, John W. Cleaveland, Mayor of the Town of Highlands, North Carolina, encourage my fellow citizens to join with hundreds of communities across the country and our local Audubon Society in our first celebration of **International Migratory Bird Day** on Saturday, May 10th, from dawn to dusk, asking for the personal commitment of our businesses, schools, churches, and organizations to join with our Audubon Chapter celebration, and do all we can to preserve one of the most unique mountain wildlife environments for generations to come.

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John W. Cleaveland, Mayor  
Town of Highlands

The Board authorized the Mayor to issue this proclamation.

Buck Trott was present, and said that he understood that Partners in Flight was considering designating Highlands as one of only 50 leading birding sites in the world. He reported that the Audubon Society would be meeting at 7:00 p.m. on May 9, and would be conducting a bird count the next day.

3. Discussion of electric rates, and requests for funding from the Little Tennessee River Basin, the Macon County Humane Society, and the Hudson Library had been placed on the agenda for this meeting; the Board agreed to defer action on these requests until the May 14 Budget Work Session.

4. The Board again discussed noise caused by Robert Isham, a chainsaw woodcarver operating at Munger Creek Arts, and a written complaint received from Fred Hovey, President of Shelby Place Association Inc. dated April 19. As requested at the previous meeting, the Clerk had provided each Board member with a proposed Zoning Ordinance amendment which would require tools to be enclosed in a building so as to minimize loud or disturbing noise, and had also discussed the matter with Mr. Isham.

Mr. Isham was present, and stated that he had been operating as agreed last summer from 10:00 a.m. until 5:00 p.m., and had also voluntarily eliminated two hours between noon and 2:00 each day; he said that he was trying to cooperate with the agreement reached at that time.

He said his business was a successful one, and he pointed out that loud noise also came from traffic on the highway and from Nantahala Tire.

The Board discussed with Mr. Isham several possible proposals for dampening the noise, including the planting of a hemlock hedge by property owners in Shelby Place, an agreement to cease operations during any special events held in the area, and the installation of a fence or other structure with sound-dampening materials; Eddie Madden was asked to review the last proposal and determine if it would be in compliance with the Zoning Ordinance.

5. The Board reviewed Preliminary and Final Subdivision Plats for Louis A. & Elizabeth Edwards for property on the corner of Church Street and South Fourth Street, as prepared by Charlie W. McDowell on April 4, 1997; both plats had been approved by the Planning Board at their April 28 meeting.

MOVED BY COMM. JAMES, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO APPROVE THE PRELIMINARY AND FINAL SUBDIVISION PLATS AS RECOMMENDED BY THE PLANNING BOARD.

6. The Board discussed appointments to the Advisory Committee for the Scholarship Endowment Fund. The Clerk reported that Liz View had agreed to Chair this Committee, since Kathy Chambers would be re-locating; she had requested that Nina Heffington be appointed to replace Richard Smith, who no longer wished to serve. By consensus, the Board agreed to appoint Nina Heffington, and to re-appoint Frank Montgomery and Dave Cashion; their terms will expire June 1, 2000.

The Board discussed appointments to the Planning Board. It was suggested that James Tate be appointed to fill Frieda Bennett's unexpired term. Comm. James reminded the Board that it had agreed last year to appoint members from within the Town limits in future; however, the Board agreed for the Clerk to ascertain if Dave Clary and Ron Waller would be willing to be re-appointed. The Mayor was also asked to ascertain if Linda Clark or Joan Jefferson, members of the Land Use Planning Committee, would be willing to be appointed. Final action was deferred until the May 14 meeting.

7. The Clerk reported that Michael Jones, Rector of the Episcopal Church of the Incarnation, had asked for permission to close Pine Street on June 20, July 18, and August 15, from 7:30 p.m. until 9:30 p.m., in order for his church to hold three square dances for the community.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO PERMIT PINE STREET TO BE CLOSED ON THE DATES PROPOSED IN ORDER TO HOLD THREE SQUARE DANCES.

8. Recreation Director Selwyn Chalker arrived at the meeting, and reported briefly on the swimming pool conference he had been attending.

9. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO REVIEW APPLICATIONS FOR EMPLOYMENT IN THE ELECTRIC DEPARTMENT TRIMMING CREW, AND TO REVIEW SCHOLARSHIP AWARDS.

A. Lamar Nix discussed an application he had received from Kibbie Henry Jr. in the Trimming Crew. The Board discussed Mr. Henry's criminal record, and also asked Mr. Nix to check his references. Mr. Nix also reported that David Webb had indicated an interest in the position of Trimming Crew Foreman, and he was willing to promote him on a probationary basis.

B. The Board reviewed proposed scholarship awards to graduating seniors, pursuant to a letter from the Scholarship Committee dated May 5. The Board discussed the new procedure for considering current college students at a later date—with a deadline of June 15, rather than April 15—as discussed in a special meeting on March 19; it agreed to ask the Committee to consider all of the awards at the same time next year.

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

10. The Board agreed by consensus to employ Kibbie Henry in the Trimming Crew at the beginning salary, subject to further review of references by the Public Works Director and a frank discussion of his criminal record. The Board also agreed by consensus to promote David Webb to the position of Trimming Crew Foreman on a probationary basis; no salary increase would be provided during the probationary period.

11. The Board again discussed the sidewalk to the U. S. Post Office at Highlands Plaza along Third Street and US-28, and clarified for the Public Works Director the extent of the sidewalk for which he had been asked to provide an estimate.

12. MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE SCHOLARSHIP AWARDS AS RECOMMENDED BY THE SCHOLARSHIP COMMITTEE, BUT TO ASK THE CLERK TO DRAFT A LETTER REQUESTING THAT ALL OF THE AWARDS BE CONSIDERED AT THE SAME TIME NEXT YEAR.

VI. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ADJOURN.

Meeting was adjourned at 9:05 p.m.

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Richard Betz, Town Clerk