

REGULAR BOARD MEETING of October 1, 1997, with Mayor Pro Tem H. N. James and Commissioners Mike McCall, Ron Sanders, and Zeke Sossomon present; Comm. Donnie Calloway arrived during the meeting.

Also present were Richard Betz, Lamar Nix, Eddie Madden, Jerry Cook, Selwyn Chalker, Bill Coward, Buck Trott, Esther Baty, Jim Ramsdell, Alan Marsh, Curtis Hayes, and others.

I. Mayor Pro-Tem James called the meeting to order at 7:00 p.m.; he reported that Mayor Cleaveland was on vacation, and Comm. Calloway was out of Town.

II. The minutes of the September 17 Regular Board Meeting had been distributed by mail.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

III. Reports.

1. Town Attorney Bill Coward reported that the 4½/Poplar Street Declaratory Judgement was proceeding. He was still trying to trace the heirs of Samuel T. Kelsey in order to serve them. Richard Melvin was representing several of the parties, and had obtained an extension of time to answer the complaint; he hoped that a hearing date would be set this month.

2. The Clerk reported that consulting engineer Victor Lofquist of W. K. Dickson Company would make a report at the next meeting.

3. Each Board member received a copy of the Public Works Director's written report for the month. Lamar Nix reported that the Water Treatment Plant was working well, and he urged Board members to visit it. He said that the contractor still needed to complete the punch list items and some corrective work. The 6" water line on Upper Clear Creek Road was also proceeding well, although some rock was being encountered.

He also reported that he needed to discuss some items with members of the Street Committee, and he agreed to meet with Comms. Sossomon and Calloway when they could schedule some time.

4. Police Chief Jerry Cook gave an oral report on Police Department activities for the month. He said that the new computer had arrived and the Department was going through the training process, and he welcomed any Board members to come by and see its capabilities.

Comm. Sossomon reported that he had just learned that a new magistrate—Elizabeth Mayer Riser—had been appointed to serve Highlands, and was scheduled to begin soon.

5. Each Board member received a copy of the Recreation Director's written report for the month. Selwyn Chalker reported that the tennis court and accessibility ramp work had turned out well; the fencing was expected to be completed this week, and the surfacing in one to two weeks. Recreation Resources Commission representative LuAnn Bryan had been on site yesterday and had been pleased with the work. He also reported that the annual Halloween festival was scheduled for Friday night, October 31; the annual Christmas Tree Lighting celebration was scheduled for November 28, but on Pine Street this year instead of Main Street. The Board approved the events by consensus. Mayor Pro Tem James asked about the cost of the air towers which Mr. Chalker had reported last month would have to be replaced in one to two years; he offered to obtain an estimate.

6. Each Board member received a copy of the Zoning Administrator's report for the month. Eddie Madden reported that the deadline for non-conforming signs was Friday, and that most of the signs had been removed; the process was going smoothly.

7. Each Board member received a copy of the Treasurer's Report

for the month. The Treasurer reported that the PARTF grant of \$16,993 had been received, but that the tennis court project would be over budget due to unexpected extra costs of excavation and rock needed for fill.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ACCEPT THE TREASURER'S REPORT.

COMMISSIONER CALLOWAY ARRIVED AT APPROXIMATELY 7:15 P.M.

8. The Clerk reported that he had spoken with LaDonna Keener of Lucas & Keener to review the status of the Town audit. She had reported that all of the audit work had been completed, and she was now working on the financial statements and the actual typing and copying of the report. He expected to be able to provide copies at the next meeting, and had placed presentation of the audit by Ms. Keener on the agenda for November 5.

He also reported that he had received the ABC Board audit by Lucas & Keener. Total gross sales at the ABC store were \$953,296 —up over last year by nearly \$30,000—and consequently revenues to the Town General Fund and Scholarship Fund would be better than projected.

He also reported that he had received requests for three new items of business after the agenda had been prepared: petitions for rezoning from William C. & Henrietta Maret and from John Beck, and a request for participation in the recent paving of Dog Mountain Road. The Board agreed to consider the petitions for rezoning at the same time as item No. 4 under New Business, and to consider the other request at the end of New Business.

IV. Old Business.

1. Each Board member had received a copy of the revised "Proposed Ordinance Regulating Open Burning," as discussed at the previous meeting. Mayor Pro Tem James asked for comments on the proposal; Comm. McCall said that he had received some comments that obtaining a permit might be a hardship when burning small amounts of brush. He said that one of his main objectives in asking the Town Planner to draft the ordinance had been to enable the Fire Department to control burning when local conditions are dangerous. Burning bans are currently established by the Forest Service for the entire State, but it might be dry in Highlands while wet in the Eastern part of the state. He said that the recent fire on Brushy Face, and one several years ago on Little Bearpen, started when conditions were bad. Mayor Pro Tem James agreed that a permit procedure might be an aggravation. Eddie Madden said that he had put together the proposal from Ordinances in effect in four or five neighboring municipalities, all of which used this basic format. Comm. McCall and Mr. Madden agreed to meet together to revise the proposal, eliminating the permit procedure but retaining a mechanism for imposing a local ban on open burning.

2. The Board again discussed construction of a sidewalk to the U. S. Post Office at Highlands Plaza, last discussed at the September 3 Board meeting. Town Attorney Bill Coward reported that although he had been negotiating with Margaret O'Donnell's attorney, Kimila Wooten, on this matter, no progress had been made, and the deadline of September 15 for submission of plans had already passed. Consequently, the Zoning Administrator had issued a Notice of Violation as originally agreed at the May 7, 1997 Board meeting, setting a deadline of fifteen days for correction of the violation. After that date, civil penalties or other remedies could be applied. The Clerk explained that the Fee Schedule provided for a citation of \$30 on the first day of violation, \$60 on the second day, \$120 on the third day, and \$240 on each succeeding day.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO IMPOSE THE CIVIL PENALTIES SET FORTH IN THE FEE SCHEDULE, BEGINNING FIFTEEN DAYS AFTER THE NOTICE OF VIOLATION, EACH DAY TO

Comm. Calloway commented that the Board needed to keep in mind that they had rejected the recommendation of the Planning Board before with regard to re-zoning. Comm. Sossomon felt they ought to have the opportunity to see how the petitions fit into the overall process.

Comm. Calloway asked about the results of the land use survey on this question analyzed thus far. Eddie Madden reported that Geoffrey Willett had reported to the Planning Board on September 18 that 81% of Town property owners, and 53% of Town merchants, had been opposed to providing more room for commercial growth. 717 responses had been received from the property owners, a 35% response rate; the Clerk pointed out that this was an unusually high response rate for a survey of this type. In response to a question from Comm. Calloway, Mr. Madden said that there seemed to be some sentiment on the Planning Board that the results did not give adequate information to make a decision, although Geoffrey Willett had reiterated that he had felt the results were more than adequate.

5. An application for sewer connection had been received from I. Dale Miller, resident of 3 Leonard Road at the corner of Leonard and Smallwood. The Public Works director reported that Mr. Miller had obtained permission from Dixie B. Barton, the property owner to the north, to cross her property with the sewer line, rather than installing a line along the right-of-way of Leonard Road.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE REQUEST, PROVIDED IT IS INSTALLED ACCORDING TO TOWN SPECIFICATIONS AT THE PREVAILING CONNECTION FEE.

6. Each Board member had received a copy of a Resolution authorizing application for a loan under the State Clean Water Revolving Loan and Grant Program. Comm. James explained that Tom Massey, the Western area representative for the Clean Water Management Trust Fund (CWMTF), had indicated that funds might be available for the Lake Sequoyah West Shore Sewer Line, as reported by the Clerk at the previous meeting. However, one of the CWMTF guidelines provided that the Town apply for the State Revolving Loan funds before the grant could be considered. The Clerk said that the deadline for applications for this funding cycle was September 30, and that he would forward the resolution to the State when adopted as an addendum to the application.

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

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**RESOLUTION BY BOARD OF COMMISSIONERS
TOWN OF HIGHLANDS**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Clean Water Revolving Loan and Grant Act of 1987 have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, and/or wastewater, collection systems; and

WHEREAS, The Town of Highlands has need for and intends to construct a wastewater collection system project, described as "Extension of municipal wastewater collection system along western shore of Lake Sequoyah, consisting of (1) pump station and 6200 feet of force main, and (2) 900 feet of gravity sewer, in order to provide for the elimination of three private NPDES wastewater discharges"; and

WHEREAS, The Town of Highlands intends to request state loan assistance for the project.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HIGHLANDS:

1. That the Town of Highlands will arrange financing for all

remaining costs of the project, if approved for a State loan award.

2. That the Town of Highlands will adopt and place into effect on or before completion of the project a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

3. That the governing body of the Town of Highlands agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Highlands to make scheduled repayment of the loan, to withhold from the Town of Highlands any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

4. That the Town of Highlands will provide for efficient operation and maintenance of the project on completion of construction thereof.

5. That Richard Betz, Town Administrator, and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Highlands with the State of North Carolina for a loan to aid in the construction of the project described above.

6. That Richard Betz, Town Administrator, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

7. That the Town of Highlands has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 1st day of October, 1997, at Highlands, North Carolina.

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7. The Clerk reminded the Board that Dog Mountain Homeowners' Association had asked several months ago if the Town would be willing to participate in the cost of paving the road. The Town had made no commitment at the time, but now the paving had been completed, and according to POA President Al Bolt, the Town's pro-rata share would be \$2248.27. It was reported that the Town used the road—located mostly outside the Town limits—three to four days per week to access the water tank at the top of the mountain. Comm. Calloway said that he did not feel the Town needed to get into that.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO DENY THE REQUEST.

VI. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADJOURN. Meeting was adjourned at approximately 8:10 p.m.

Richard Betz, Town Clerk