

REGULAR BOARD MEETING of December 3, 1997, with Mayor John Cleaveland and Commissioners H. N. James, Mike McCall, Ron Sanders, Donnie Calloway, and Zeke Sossomon present.

Also present were Richard Betz, Lamar Nix, Eddie Madden, Bill Coward, Jerry Cook, Selwyn Chalker, Victor Lofquist, Buck Trott, Jean Trott, Amy Patterson, Jolene Niblack, David Harris, Tom Clark, Linda Clark, Lewis Dorn, Steve Hott, Charles Cooper, Winn Cleaveland, Earl Metzger, Elinor Metzger, Christy Kelly, Tom Olson, Sarah Olson, Rosemary Fleming, and others.

I. Mayor Cleaveland called the meeting to order at 7:00 p.m.

II. The minutes of the November 19 Regular Board Meeting had been distributed by mail.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

III. Reports.

1. The Mayor reported that the meeting scheduled for December 5 with John Hankinson, Regional Administrator with the U. S. Environmental Protection Agency, as reported at the November 19 meeting, had been re-scheduled for December 15 at 12:00 noon.

2. Bill Coward reported that oral arguments were scheduled for January 27 before the N. C. Court of Appeals in the Dillingham/Mountain Shore case.

He also reported that Judge Downs had granted all of the Town's motions in the 4½/Poplar Street Declaratory Judgement: the addition of the actual heirs of Samuel T. & Katherine Kelsey as defendants, the addition of Dennis Wilson as a plaintiff, the addition of a Claim for Relief for the Town of Highlands as an individual landowner, the addition of Kathryn McArthur as a defendant, a motion for injunctive relief, and additional relief adjudging the Defendant's Declarations of Withdrawal to be void.

In the matter of the sidewalk to the U. S. Post Office at Highlands Plaza, Mr. Coward reported that he had received a draft of a revised release prepared by Kimila Wooten, attorney for Margaret Mitchell O'Donnell, a copy of which had been distributed to each Board member prior to the meeting. The revised release was similar to that considered at the November 19 meeting, but it no longer exempted new construction on the property.

Mayor Cleaveland asked why the Town should sign such a release, since it had not done so for anyone else; it was clear from the encroachment permit with the D. O. T. that the Town would accept maintenance of the sidewalk when completed. Mr. Coward replied that the release was a request by Ms. Wooten, and that if it was executed tonight he understood construction would begin tomorrow. He also understood that the Post Office intended to lease the area where the bank building is now located for additional parking, although that was not affected by this release.

Comm. James said he did not feel the Board ought to place conditions on construction of the sidewalk that might affect future Boards.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. JAMES, AND CARRIED TO DENY THE REQUEST THAT THE TOWN EXECUTE THE RELEASE. Comms. Calloway, James, McCall, and Sanders voted "aye;" Comm. Sossomon voted "nay."

Comm. Sossomon questioned whether it was proper to vote on this matter since it had not been on the agenda. The Clerk explained that, although the item was not on the agenda, it was before the Board at the request of Ms. O'Donnell's attorney.

Comm. James pointed out that this sidewalk might need to be replaced in several years, and under current policy the Town and the adjacent property owner shared the cost on a 50/50 basis in such cases; he

doubted that the Town would be able to replace the sidewalk on that basis if this release was executed.

The Mayor felt that the Town had already agreed to accept the sidewalk, as detailed in the encroachment permit which was in the process of being executed. He hoped that Ms. O'Donnell would begin construction as soon as weather permits; if not, the Board would be left with no recourse but to begin imposing fines.

Zoning Administrator Eddie Madden said that in his opinion the construction of any additional parking adjacent to the Post Office would require a Special Use Permit, and the Board agreed by consensus.

3. Consulting engineer Victor Lofquist with W. K. Dickson Company was present to review the final change orders on the Water Treatment Plant under Old Business.

4. Each Board member had received a copy of the Public Works Director's written report on activities in the Street, Water, Electric, and Sanitation departments. Lamar Nix also reported that he had met with Ray McCall from the Public Water Supply Section, and the Ravenel Ridge/Satulah Ridge water line had been approved.

He also reported that he had met with Joy Smith from Mountain High Motel concerning the request at the November 19 meeting to construct five cross-tie steps down to the grass "sidewalk" on the bank along the north side of Main Street. He felt that the steps could be constructed within the Town's right-of-way without interfering with the walkway, and he recommended approving the request contingent on execution of a Revocable License Agreement for encroachment on the right-of-way, and provided that construction be consistent with the State Building Code and a handrail be provided. The Board agreed to approve the request by consensus.

Mr. Nix also reported that he had been working with Victor Lofquist on proposals to replace the pumping equipment at the Sherwood Forest Pump Station, and he would request that the Board take this matter into consideration for the FY 98-99 Budget. Mayor Cleaveland agreed that this was a problem that the Board would eventually have to face.

5. Police Chief Jerry Cook gave an oral report on activities in his department for the month of November. He also reminded the Board of a personnel matter which was on the agenda to be discussed in Closed Session at the end of the meeting.

6. Each Board member had received a copy of the Recreation Director's written report for the month. Selwyn Chalker said that the tennis court project was now complete, and he recommended holding an opening ceremony in the Spring, inviting Recreation Resources Commission officials. Girl's and boy's basketball were underway, and the Town Christmas Tree lighting had been a success.

He had provided with his report copies of a proposal from Guy's Top Hat Chimney Sweep for cleaning the venting system and boiler at the Highlands Civic Center for \$2,350, which included \$800 for the cost of installing two high-temperature doors on the boiler. The Board agreed that he should check with Building Maintenance & Controls to determine if the doors should be installed. He had also provided a letter and proposal from Ikon Office Solutions for a new Ricoh copier for \$6,219; however, he understood that Jerry Cook had purchased a copier from the same company for less, and he offered to obtain another quote. He said that he had already received donations for approximately half of the cost.

MOVED BY COMM. JAMES, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO APPROVE PURCHASE OF A NEW COPIER.

7. Each Board member had received a copy of the Zoning Administrator's written report for the month. Eddie Madden said that he had been working with the Division of Community Assistance on the Land Use Study for the past several months, and he now

understood that Geoffrey Willett would be providing the remaining statistical information and a brief summary within the next three weeks; due to Mr. Willett's time limitations, however, he would have to finish the report. He also reported that the re-zoning request from Jeffrey Krida for the Dobes/Carter property at Sequoyah Point, referred to the Planning Board at the November 5 meeting, had been tabled until the December meeting. He also reported that he had met with the President of the Multiple Listing Service recently concerning violations of the real estate sign requirements and misunderstanding of some land use ordinances; he planned to meet with area realtors this month to clarify these matters.

8. The Clerk reported that the Institute of Government would be holding its school for new Mayors and Council Members this year in Asheville for three days from January 6 through 8; the school was intended for council members who are already serving on the Board and Town staff, and he urged those interested to attend.

He also reported that the Town had received the final payment of \$45,465 from FEMA for disaster assistance for Hurricane Opal.

He also reported that he had spoken to Fish & Wildlife Associates about the Lake Study for Lake Sequoyah; the final testing was completed in October, and the Town would be receiving a full report in just a few days. Except for readings of iron and copper that were slightly above normal following a heavy rainfall in October, none of the chemicals tested were above state standards, and most of them were below detection limits. The report's conclusion was that "the water quality study of Lake Sequoyah found no apparent conditions that would limit its use as a water supply for the Town of Highlands." The report would be forwarded to the Public Water Supply Section.

9. Each Board member received copies of the Treasurer's Report for the month of November.

MOVED BY COMM. JAMES, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO APPROVE THE TREASURER'S REPORT.

IV. Old Business.

1. The Clerk reported that Joseph Cook had requested that his request that the Town post "No Through Trucks" signs at Cobb Road and North Cobb Road be postponed until January.

2. Victor Lofquist was present, and reviewed with the Board in some detail the final change orders for the Water Treatment Plant; he did not expect any additional change orders.

Change Order No. 2 for the General Contractor consisted of PVC piping for the Trident system; addition of raw water pumps; additional of a static mixer on the vertical influent piping; revisions to the plant entrance; installation of a pipe to by-pass the clarifier storage tank; installation of a second day tank in the feed system; change in elevation of a manhole; several modifications of piping based on new information from manufacturers; renovation of the existing treatment plant laboratory; office furniture in the laboratory; a concrete curb to provide containment around the chemical feed day tanks; installation of a sample line from the clearwell influent, as required by the Public Water Supply Section; painting pre-existing walls and ceilings; new metal doors in the building; a new metal door at the Raw Water Pumping Station; installation of a pressure valve; installation of aluminum dampers to prevent heat loss; replacement of the heater in the Raw Water Pumping Station; air release valve at the same station; equipment rack for the chemical feed room control panels; addition of a slope drain at the new clearwell slope to accommodate the new DOT culvert crossing Hickory Hill Road; change of model number and control panel for Big Creek culvert; improved automatic operation of the chlorination system; toeboards on the walkway between treatment

units; delete asphalt paving at the preclarifier; addition of a heater in the preclarifier; addition of a sight gauge at the caustic day tank; installation of shear gate and aluminum wall at the Big Creek intake; deletion of automatically-controlled control valve; and change of the Raw Water Chlorinator injector and rotameter as required by the Public Water Supply Section. The net total of the change orders was \$10,523.81 additional.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE CHANGE ORDER NO. 2 FOR THE GENERAL CONTRACTOR, LANGSTON CONSTRUCTION COMPANY.

Change Order No. 2 for the Electrical Contractor consisted of additional wiring to add a heater in the preclarifier, and additional control wiring to accommodate a remote control solenoid provided by the chlorination equipment supplier.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE CHANGE ORDER NO. 2 FOR THE ELECTRICAL CONTRACTOR, HAYES & LUNSFORD ELECTRICAL CONTRACTORS.

Mr. Lofquist also provided a cost summary for the Water Plant and 1995-96 Water and Sewer Improvements, as requested by the Board at previous meetings.

3. The Board had deferred consideration of proposed revisions to the Personnel Manual at the previous meeting. Comm. Calloway felt that the newly-elected Commissioner and Mayor-elect should have an opportunity to review the Manual, and suggested that this matter be postponed until then. The Board agreed.

4. Town Administrator Richard Betz told Mayor Cleaveland that he wanted to take this opportunity to thank him on behalf of all the Town for the leadership he had provided Highlands for the past fourteen years as Mayor. He said that the Board had made a lot of tough decisions, and he had been both a spokesman and an advocate for the Town; he had fought the good fight, and the Board appreciated it. He also said that he had personally enjoyed working with him. On behalf of the Board and the employees of the Town, he presented him with a plaque expressing appreciation for his years of service.

He then told Comm. Donnie Calloway that he also wanted to take this opportunity to thank him for the eighteen years he had devoted to this Board. He had also made a lot of tough decisions, and had devoted a lot of time for the betterment of Highlands, and he had enjoyed working with him. On behalf of the Board and the employees of the Town, he presented him with a plaque expressing appreciation for his years of service.

Comm. Calloway said that he appreciated the opportunity of having served on the Board for so many years. He wanted everyone to know that if he had hurt anyone, he had not done so through any malice, and if he had offended anyone, he apologized for it.

Mayor Cleaveland thanked the public for allowing him to serve; he said it had been a real pleasure, but it was time to step down. He was sure that Mayor-elect Buck Trott would do a good job. He especially thanked all of the employees of the Town; he didn't think anyone realized how great a crew the Town had. He wanted to assure Buck and the new Board that if he could do anything to help with the transition, he was right across the street.

Mayor Cleaveland and Comm. Calloway then vacated their seats at the conference table, and Mayor-elect Buck Trott and Commissioner -elect Amy Patterson assumed their seats.

V. New Business.

1. The Clerk administered the Oath of Office to Mayor Allen L. "Buck" Trott, Comm. Amy Patterson, and Comm. Zeke Sossomon.

Mayor Trott then thanked the people for supporting him, and thanked

the Mayor and Town staff for putting up with him during the past month. He said he wanted to echo Mayor Cleaveland's comments about the great people working for the Town; he had never found a group overall as good as they were, and he appreciated them. He said he had attending meetings at bad times and good times, but the Board had always maintained decorum and had not played favorites, but had acted for the overall good; he said that would continue to be Town policy. Some people would be hurt, but it would be for the overall good, not one particular group. He also stressed the need for feedback from the community. He said we did not have a closed government, and urged those present to let the Board know if they saw something wrong; complaints would be dealt with in a managerial manner. He also commented on the outstanding facilities which the Town had constructed, including the Water Treatment Plant and the Wastewater Treatment Plant, which was now being used as a model for other plants by State officials.

2. The Mayor opened the floor for nominations for Mayor Pro Tempore, explaining that the previous policy of electing the Commissioner having the highest vote no longer applied since the institution of staggered terms. Comm. Sanders nominated Herbert James; Comm. Sossomon moved to close the nominations.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND CARRIED TO ELECT HERBERT JAMES MAYOR PRO-TEMPORE. Comms. Sanders, Sossomon, McCall, and Patterson voted "aye;" Comm. James abstained.

3. Mayor Trott recommended appointing the following Committees:

- Finance Committee: Herbert N. James & Amy E. Patterson
- Utilities Committee: Herbert N. James & Zeke Sossomon
- Street Committee: Mike McCall & Zeke Sossomon
- Recreation Committee: Ron Sanders & Amy E. Patterson

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPOINT THE FOREGOING COMMITTEES.

4. Mayor Trott explained that Amy Patterson's election to the Board had created a vacancy on the Zoning Board. He said that he had spoken to Clem Patton, a retired Vice President of Bell South and a resident of Highlands for eight years, and he had agreed to serve on the Board. Comm. Sanders asked if any other names had been discussed. Eddie Madden said that Allan James had also agreed to serve on the Zoning Board. Mr. Madden also recommended that the Board consider making alternate member Paul Schmitt a regular member of the Zoning Board.

MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPOINT PAUL SCHMITT AS A REGULAR MEMBER OF THE ZONING BOARD FOR THE REMAINDER OF HIS TERM.

MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND CARRIED TO APPOINT ALLAN JAMES AS AN ALTERNATE MEMBER TO THE ZONING BOARD TO FILL AMY PATTERSON'S UNEXPIRED TERM, DUE TO EXPIRE JULY 1, 1999. Comms. Sanders, McCall, Sossomon, and Patterson voted "aye;" Comm. James abstained.

5. The Clerk reported that the contract for operation of the Wastewater Treatment Plant by Culligan Operating Services, which had expired on November 1, had still not been finalized; Culligan had agreed to honor the existing agreement in the meantime.

6. The Clerk reported that the Town's annual contract with Asheville Waste Paper Company Inc. for recycling of cardboard was due to expire December 31. The cost of picking up a load of cardboard in one of the Town's two 40-yard compactor containers was \$250 per load, and the Town received some revenue that varied according to the market price. He explained that cost exceeded revenue, but nevertheless the agreement was better than the previous arrangement with Webster Enterprises.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY

CARRIED TO RENEW THE CONTRACT FOR ANOTHER YEAR.

7. Each Board member had been mailed on November 21 a copy of a proposed Cable Television Ordinance for review. Town Attorney Bill Coward said that he had discussed the Ordinance with David Harris on the phone, and also earlier during the meeting, and he recommended making several minor changes to the draft.

David Harris, Vice President of Custom Communications, was present, and reiterated the comments he made at the November 19 meeting; because the Town was preparing to negotiate a franchise agreement with Highlands Cable Group and re-negotiate a franchise agreement with Northland Cable TV, he felt a new Ordinance needed to be adopted, setting the rules for anyone doing business in the Town. The Ordinance established construction standards, required insurance, revocation procedures, zoning, pole attachments, and other issues; adopting it would take the pressure off negotiating franchise agreements later in the process since these issues had been resolved.

In discussions with the Town Attorney, one of the issues he had wanted to make clear was that the Town Board, rather than a Zoning or Planning Board, would conduct an evidentiary hearing in the event of a revocation procedure. Comm. James said that he felt the Town Board ought to revoke the permit if granted it. He also said that the Clerk was reviewing a Pole Attachment Ordinance which he also recommended the Town adopt. The Clerk said that he was in the process of reviewing that Ordinance, and would be bringing it to the Board as soon as possible.

Mr. Harris said that both Highlands Cable Group and Northland Cable TV had reviewed the Cable TV Ordinance, as well as the attorneys of several other cable operators, and were satisfied with it; not only would it comply with the Telecommunications Act of 1996, but he also felt it would protect both the Town and the cable operator. He offered to incorporate the changes recommended by the Town Attorney, with which he was in agreement, and provide an amended copy within two weeks for the Board's review. Hearing no other objections to the Ordinance, he said that in the meantime he would proceed with negotiating the franchise agreement for Highlands Cable Group on the assumption that the Ordinance would be adopted.

8. The Clerk reported that he understood Finley Merry had requested postponing an appearance before the Board concerning his encroachments on the right-of-way until January.

9. MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND CARRIED TO APPROVE THE ELECTION OF MIKE MCCALL AS FIRE CHIEF FOR 1997. Comms. James, Sossomon, Patterson, and Sanders voted "aye;" Comm. McCall abstained.

10. MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPOINT BOB HOUSTON TO A TWO-YEAR TERM AS THE TOWN'S REPRESENTATIVE ON THE FIREMAN'S RELIEF FUND.

11. The Clerk reported that the same Christmas bonus amounts had been approved for several years, and he recommended that the Board consider increasing the amounts by \$50.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE FOLLOWING CHRISTMAS BONUSES FOR FULL-TIME EMPLOYEES:

Less than one year of service.....	\$100.00
Between one year and ten years of service.....	\$150.00
More than ten years of service.....	\$200.00

It was also agreed that part-time employees should be given hams.

12. The Clerk said that he understood an offer had been received by the Fire Department on the 1973 Chevrolet Fire Truck which the Board had advertized for sale last month, although it was less than

the minimum bid of \$8000; the Fire Department had requested re-advertizing at a minimum bid of \$4000.

MOVED BY COMM. SANDERS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO RE-ADVERTISE THIS VEHICLE FOR SALE AS RECOMMENDED AT A MINIMUM BID OF \$4000.

13. The Clerk said that, as reported at the October 15 meeting, Police Chief Jerry Cook had received the 1½-ton four-wheel-drive truck from the N. C. Department of Crime Control and Public Safety, Law Enforcement Support Services, at no cost to the Town. He requested permission to advertize for sale the 1984 Chevrolet truck this vehicles replaced, as agreed, at the minimum bid of \$2000 which Chief Cook had recommended.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADVERTISE THIS VEHICLE FOR SALE "AS IS" AS RECOMMENDED AT A MINIMUM BID OF \$2000.

14. The Clerk reported that Robbie Forrester, an employee of the Macon County EMS, had asked if the Town would consider a donation to a scholarship fund sponsored by Southwestern Community College for their EMS training program; he would be approaching other organizations, including Macon County and the Town of Franklin. The Clerk said he had explained the current Town policy of not providing donations to any organizations except the Macon County Humane Society and the Hudson Library.

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

15. The Clerk reported that thus far there were only two items on the agenda of the December 17 Regular Meeting; if no urgent matters arose, it might be possible to cancel it.

16. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO REVIEW APPLICATIONS FOR POLICE OFFICERS, PURSUANT TO G. S. 143-318.11(a)(6). With the exception of the Clerk and the Police Chief, all in attendance left the meeting room.

The Board discussed with Police Chief Jerry Cook the need for an additional full-time Police Officer, and reviewed Officer Chad Stone's qualifications for such a position. The consensus of the Board was that this matter should be deferred until Budget time.

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

Curtis Hayes was invited into the meeting room.

VI. MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ADJOURN. Meeting was adjourned at approximately 9:00 p.m.

Richard Betz, Town Clerk