

REGULAR BOARD MEETING of June 3, 1998, with Mayor Buck Trott and Commissioners H. N. James, Mike McCall, Zeke Sossomon, and Amy Patterson present. The Mayor announced that Ron Sanders had been unable to attend the meeting.

Also present were Richard Betz, Bill Coward, Lamar Nix, Eddie Madden, Selwyn Chalker, Jerry Cook, Victor Lofquist, Sylvia Sammons, Virginia Fleming, Rosemary Fleming, Hank Urbanek, Cynthia Strain, Jim Ramsdell, Alan Marsh, James Tate, Ralph Morris, and others.

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

II. The Clerk asked the Board to consider adding one item to the agenda: proposed amendments to the Zoning Ordinance sent to the Planning Board for recommendations in April. He asked the Board to consider removing two items: appearance of Harold Brammer, and review of applications for employment in the Street Department in Closed Session; he explained that no qualified applications had been received for the Street Department position. The agenda was approved by consensus.

III. The minutes of the May 20 Regular Board Meeting and the May 27 Special Board Meeting had been distributed by mail.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES.

IV. Reports.

1. The Mayor reported that he had attended the Academic Banquet and the Athletic Banquet the previous week for Highlands School students, and had also presented scholarship awards at the awards assembly earlier in the day; he commented that the Town was proud of both the Scholarship Endowment Fund and the quality of its students. He also reported that he would be attending a meeting on Friday on the new greenway and aquarium project in Franklin.

2. Victor Lofquist, consulting engineer for W. K. Dickson Company, was present to bring the Board up to date on the close-out of the Water Treatment Plant. He explained that most of the punch list items had now been addressed except for the tank level gauges and the computer equipment provided by Hi-Ran, the supplier which had gone bankrupt during construction. He said that the general contractor, Langston Construction, had entered into an agreement with another company to address the gauge problems, and was also working on a software upgrade for the computers to address the "Year 2000" problem; the goal was to wrap up all of the issues by the end of June. He felt that the general contractor had made an effort to deal with the problems caused by Hi-Ran, and he noted that the Town was still holding more than \$200,000 on the contract.

He also said that the Town Administrator and he had discussed the Board's concerns over the additional engineering costs for the project. He pointed out that the contract administration and inspection had been based on a one-year period, with the project scheduled for completion in May of 1996, but the Plant did not actually begin operating until the fall of that year. A number of issues had extended that time, including an over-run by the general contractor, weather delays, and items requested by both the State and the Town. He did not feel any of the engineering time was unnecessary, and he offered to provide a detailed breakdown of the costs. Comm. Patterson said she would like to see such a breakdown; Comms. McCall & James agreed.

3. Each Board member had received a copy of the Public Services Administrator's written report for the month. Lamar Nix also reported that the Water Plant had experienced a direct hit from lightning the previous day, which had damaged the raw water pumps. He said that this was nothing that could not be overcome, however; two of the five pumps were still operating, and the others would be in operation by the end of the week. The Mayor commended Mr.

Nix and the Water Plant operators for keeping the facility in operation. Mr. Nix also reported that he had attended a Water Supply school in Asheville the previous week with Water Department Superintendent Leroy McCall concerning new sewer spill procedures, telemetry requirements, and fines. He and the Town Administrator would be reviewing the contract with Culligan Operating Services to ensure that it incorporated the new rules.

4. Police Chief Jerry Cook gave an oral report on Police Department activities for the month of May. Mayor Trott presented him with a Certificate of Appreciation from the North Carolina Governor's Highway Safety Program.

5. Each Board member had received a copy of the Recreation Director's report for the month. Selwyn Chalker also reported that a broken pump at the wading pool had been repaired, and that the summer camp would begin on June 15; the Camp would be operating until 6:00 p.m. this year. He also said that he had nearly completed the five-year plan, and asked to meet with the Recreation Committee at 6:30 p.m. on July 1 before the Regular Board Meeting.

6. Each Board member had received a copy of the Zoning Administrator's written report for the month, distributed by hand earlier in the day. Eddie Madden also reported that the Land Use Planning Committee had wrapped up the section of its report dealing with the commercial areas, and hoped to be able to present it at the first meeting in July.

7. Each Board member had received a copy of the Treasurer's Report for the month of May.

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

8. Each Board member had received a copy of the Town Administrator's report for the month. Richard Betz also reported that he had met this afternoon with Jim Graham, the new Hospital Administrator, concerning the issues discussed at the May 20 and May 27 meetings; he would be meeting again with him next week.

V. Old Business.

1. The Board reviewed a policy on appointments to Boards and Committees which the Town Planner and Town Administrator had drafted, and which had been distributed with the minutes of the May 20 meeting.

After considerable discussion of the draft which had been prepared, the Board agreed as follows: (1) Members should be limited to serving two consecutive terms, with a minimum of one year off the Board before being re-appointed (effective upon adoption of the policy). (2) Members failing without good cause to attend three sequential monthly meetings, or more than four monthly meetings within a twelve-month period, should be asked to resign. (3) Comm. James recommended, and the Board agreed, that the Planning Board and the Appearance Commission should be essentially two separate Boards; members of the Planning Board could also serve on the Appearance Commission, but only if they resided within Town, and additional members would be appointed to the Appearance Commission as needed to fill the seven positions. The Board agreed for the policy to be re-drafted for adoption at the next meeting, and for appointments to Boards and Committees to also be made at the next meeting.

2. The Town Administrator reported that he was obtaining an updated quotation on the Big Bearpen tower from Rohn Tower based on heavier ice load, and was also looking into foundation design and erection costs; he hoped to have the information by the next meeting.

3. Each Board member had reviewed the proposed Cemetery Ordinance. The Town Administrator also distributed copies of an addition to the FY 98-99 Budget, the Cemetery Fund, based on a proposed budget presented earlier in the year; he explained that he had not yet had

the opportunity to prepare the amendment of the Fee Schedule containing the new cemetery fees. The Board agreed by consensus to set the residence requirement in Section 26 at three years.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO ADOPT THE CEMETERY ORDINANCE EFFECTIVE JULY 1, 1998.

VI. New Business.

1. Revised copies of an Ordinance Consenting to the Cable Television Franchise Agreement with Northland Cable Properties Six Limited Properties d/b/a Northland Cable Television had been distributed at the previous meeting, for the second reading; the first reading had been approved on May 6. The Town Administrator reported that David Harris, consultant from Custom Communication, had been unable to attend the meeting, but all of the changes discussed after the first reading had been inserted into the franchise agreement.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ADOPT THE FRANCHISE AGREEMENT ON SECOND READING.

2. The Town Administrator requested permission to sell the following surplus property:

- One 1972 Ford F-700 truck with Baker digger-derrick—minimum bid of \$2500.
- One 1986 GMC Chassis—minimum bid of \$2500.
- One 1989 Jeep Cherokee.
- Two Allis-Chalmers gasoline engines.
- One IBM PS/1 Computer, no monitor.
- One Premio 486 Computer, no monitor.

The Board agreed to receive sealed informal bids at the next meeting.

3. Several proposed amendments to the Zoning Ordinance had been reviewed by the Board on March 18 and April 1, and sent to the Planning Board for review. Eddie Madden reviewed the amendments in detail, together with the recommendations of the Planning Board and Town Staff:

A. Approval for re-painting of parking lots. The Planning Board had objected to requiring a permit for the re-painting of parking lots where the lines were still visible. The Board agreed to limit approval to situations where the parking lot has been re-surfaced, or re-configured, or where the original stripes can no longer be seen.

B. Amortization period for "new" signs. The Planning Board had recommended a three-year time period for amortization of "new" non-conforming signs.

C. Deletion of harvest of trees provision. The Planning Board had not recommended adopting this amendment, which would eliminate the provision permitting commercial property owners to "harvest" trees for "personal use."

D. Structures in right-of-way where no right-of-way is defined. The Planning Board had not recommended adopting this amendment.

E. Approval of change in color of building or sign. The Planning Board had not recommended adopting this amendment. Planning Board Chairman James Tate was present and said that the overall feeling of the Planning Board was that there were not enough colors offered on the proposed color chart. Eddie Madden indicated that the intent of the chart was only to provide a guide; colors within the parameters shown would be permitted. Comm. James felt that the amendment should address types of exterior materials as well as colors. The Board asked Mr. Madden to re-draft this amendment

before the next meeting if possible.

F. Definition of Basement. The Planning Board had recommended adopting this amendment, but Staff had felt that the language, taken from the Building Code, needed clarifying; the following was proposed: "• Basement. The lowest level of a building that is wholly or partly below ground. For the purposes of this Ordinance, a basement shall not be deemed a habitable story if it is 50% or more below grade, and is used only for storage and mechanical space; a basement that is less than 50% below grade, or is used for any other purpose, shall be deemed a habitable story."

G. Off-Premise Parking. The Planning Board had recommended adopting this amendment. Comm. James disagreed with the provision, however, noting that he was not opposed to off-street parking being provided on another parcel if it was on the same side of the street and within the same block. Comm. Sossomon agreed, and suggested that an alternate provision be drafted accordingly.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING FOR 7:00 P.M. ON JULY 15 TO RECEIVE COMMENTS FROM THE PUBLIC ON THE ZONING AMENDMENTS.

4. Police Chief Jerry Cook requested permission to set up a shooting range on Town property at the Wastewater Treatment Plant. He explained that his officers were required to go to Sylva once a year, and also needed to check out weapons from time to time; he felt it would be more convenient and less expensive to provide the shooting range here in Highlands. The site was in front of a large bank, and would require the erection of two poles and a wire for the targets.

Total time required for the annual certification would be approximately 30 minutes, a certified instructor would be present, the road to the facility would be blocked with a patrol car, and there were no residences in the immediate vicinity. Comm. Patterson expressed some concern over possible dangers to persons on nearby Forest Service property, and said she wanted an opportunity to look at the site. Comm. Sossomon asked the Town Administrator to check into the Town's liability insurance and see if there was any exposure.

Comm. James said he had no objection, provided the Town Administrator and Police Chief draft a written policy and bring it to the Board for approval.

5. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO CONSULT WITH THE TOWN ATTORNEY IN THE EDWARDS ET. AL. CASE, PURSUANT TO G.S. §143-318.11(a)(3). All those present left the meeting room except Town staff.

The Board consulted with the Town Attorney in the above-referenced matter.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. The meeting room doors were opened, but nobody was present outside.

VII. There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at approximately 9:35 p.m.

Richard Betz, Town Clerk