

REGULAR BOARD MEETING of July 1, 1998, with Mayor Buck Trott and Commissioners H. N. James, Mike McCall, Ron Sanders, Zeke Sossomon, and Amy Patterson present.

Also present were Richard Betz, Bill Coward, Lamar Nix, Eddie Madden, Selwyn Chalker, Jerry Cook, James Tate, Dennis DeWolf, Alan Marsh, Virginia Fleming, Hank Urbanek, John Randolph, and Kim Lewicki.

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

II. The Clerk asked the Board to consider adding several items to the agenda:

- Closed Session to discuss the Town of Highlands v. Edwards et. al. case with the Town Attorney.
- Closed Session to review application for a Police Officer position with the Police chief
- Annual Certification of Firemen.
- Request for a 15-minute parking space on Oak Street.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

III. The minutes of the June 17 Regular Board Meeting and the June 25 Budget Hearing and Special Board Meeting had been distributed by mail. The Clerk noted that he had made three errors in the minutes of the June 17 meeting, which had already been corrected: change "Linda James" to "Linda Clark" and change "Allan James" to "Allan Bryson" on page 115; and change the vote on the denial of a petition for re-zoning on page 117 to reflect that Comms. James, Patterson, and Sossomon voted "aye," and Comms. McCall and Sanders voted "nay."

MOVED BY COMM. MCCALL, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS CORRECTED.

IV. Reports.

1. The Mayor reported that he had attended Town Hall Day in Raleigh the previous week, and had had the opportunity to meet with several State legislators and officials.

2. The Mayor read a letter of appreciation for the Highlands Fire Department and County EMS service for response to a fire on Many Road from Pam Fouts.

3. Each Board member had received a copy of the Public Services Administrator's written report for the month. Lamar Nix reiterated the need to budget funds in FY 99-00 for expanding the drying bed operation at the Wastewater Treatment Plant.

He also announced that he had completed the plans for the Main Street Project and copies were available for Board members to review. He reviewed the timetable for the project, and said that he hoped to be able to advertize for bids by September, which was well ahead of schedule. The Board commended Mr. Nix for the excellent job he had done preparing the plans.

4. Police Chief Jerry Cook gave an oral report on Police Department activities for the month of June.

5. Each Board member had received a copy of the Recreation Director's report for the month. Selwyn Chalker reported that the swimming pool was operating well and the summer camp was averaging between 30 and 35 per day. The re-roofing at the ballpark and on the maintenance shed had been completed. He had also provided each Board member with a copy of the Parks and Recreation Department Five Year Plan, which he had reviewed with the Recreation Committee in a meeting on June 30.

Finally, he reported that he had received a bid of \$8075 from Ductmasters Inc. to clean both the top floor and downstairs air handlers and the boiler room at the Civic Center; Comm. Patterson said the Recreation Committee recommended accepting the bid.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ACCEPT THE FOREGOING BID.

6. Each Board member had received a copy of the Zoning Administrator's written report for the month with the agenda package, including an updated summary of the Land Use Planning Committee's report to be discussed later in the meeting. Eddie Madden also reported that the Planning Board and Appearance Commission had met for the first time as separate groups. He recommended that Jerri Talley, secretary to the two groups, be given an increase in pay from \$50 to \$75 per meeting, the same as the Zoning Board secretary, because of her new responsibilities.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO INCREASE JERRY TALLEY'S PAY FROM \$50 TO \$75 PER MEETING.

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

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, 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, which included copies of letters prepared following the discussion at the last meeting on the Wastewater Treatment Plant permit. Richard Betz reported that he had now received all of the easements for the Mirror Lake Pressure Sewer Project, but that W. K. Dickson Company, the Town's consulting engineers, had still not completed the plans. Lamar Nix said that he had spoken to the engineers and understood that permits were still 6 to 8 weeks away. He also discussed the installation of guardrails in Town by the D. O. T., which had already caused a pressure sewer line and a water line break; he did not feel that guardrail could be installed successfully on UIS-64E without causing similar problems to existing utilities and interfering with the proposed project. The Mayor agreed to discuss the matter with Highway Commissioner Ron Leatherwood.

V. Old Business.

1. The Mayor asked the Board to be considering possible nominees to the position of ABC Board Chairman to replace Fred Hovey, whose term was expiring on August 17.

2. Each Board member had had the opportunity to review a Guaranty and Escrow Agreement for the Morris Subdivision, which had been distributed at the June 17 meeting. It was reported that the costs for the improvements had still not been forwarded to the Town, however, and action on the agreement was deferred.

3. The Board again reviewed a proposed Policy for Use of an Outdoor Firing Range distributed at the June 17 meeting. Town Attorney Bill Coward was present, and reviewed recommendations he had made with the Board, including defining the amount of advance notice to be given to the employees at the Wastewater Treatment Plant, and providing for signage indicating that the end of the road to the Plant was closed. In a related issue, he also recommended that the Town consider amending the Code to permit certain streets to be closed from time to time and to provide a penalty for violations.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING POLICY TO GOVERN THE USE OF THE TOWN OF HIGHLANDS OUTDOOR FIRING RANGE:

POLICY FOR USE OF TOWN OF HIGHLANDS

OUTDOOR FIRING RANGE

The Police Chief of the Highlands Police Department, pursuant to Section 9E.0103 of the N. C. Administrative Code, is responsible for ensuring that annual in-service firearms training is conducted according to the minimum specifications outlined in the Code. In order that this training may be provided in a more convenient location, the Board of Commissioners of the Town of Highlands, at the request of the Police Chief, has approved use of an area on Town property adjacent to the Cullasaja River Wastewater Treatment Plant as an Outdoor Firing Range.

The following policies shall govern use of the Town of Highlands Outdoor Firing Range:

1. The Outdoor Firing Range may only be used by the Town of Highlands Police Department for annual in-service firearms training, weapons testing and inspection, or other official uses specifically approved by the Police Chief.
2. The Outdoor Firing Range will not be used unless a firearms instructor certified by the North Carolina Criminal Justice Standards Division is present at all times.
3. Whenever the Outdoor Firing Range is being used, the following procedures shall be followed to ensure that the site is secured:
 - A. Employees of the Wastewater Treatment Plant shall be notified twenty-four (24) hours in advance.
 - B. The road to the Wastewater Treatment Plant shall be closed with a police vehicle, traffic cones, and signage indicating that the road is to be closed for the purposes of the firing range, and that entering the area could be hazardous due to the close proximity of weapons firing.

4. Town Planner Eddie Madden reported that he had discussed a proposed amendment of the Highlands Code regulating commercial vehicles on public property, as discussed at the June 25 meeting, with Richard Ducker at the Institute of Government; Mr. Ducker would be making recommendations before the next meeting.

VI. New Business.

1. MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE ANNUAL CERTIFICATION OF FIREMEN.

2. The Town Administrator reported that he had received a request from Ted Brown, owner of Franklin Cleaners, for a single 15-minute parking space on Oak Street in front of his business; he had said that the parking spaces were being occupied by employees of other businesses on Main Street, and his customers had difficulty finding a parking space. Cashiers Cleaners had been approved for a 15-minute parking space on Oak Street some time ago, and Betz reported that there were 5 or 6 spaces in the downtown area for similar businesses, such as pharmacies, banks, and cleaners. Comm. James felt the Planning Board should review the Town's policy for providing such spaces. Comm. Sossomon suggested that the Street Committee could review the question.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO REQUEST THE STREET COMMITTEE TO DEVELOP A POLICY FOR SUCH PARKING SPACES AND MAKE A RECOMMENDATION.

3. The following bids for surplus property had been received at noon and opened by the Clerk, pursuant to advertisement:

- 1972 Ford F-700 truck with digger-derrick (minimum bid \$2500):
 Larry Rogers.....\$2600

- Two Allis-Chalmers gasoline engines:
 - Larry Rogers.....\$600
 - Joe Geoghagan.....151
 - Greg James.....50

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO SELL THE FOREGOING SURPLUS PROPERTY TO THE HIGHEST BIDDER.

4. The Town Administrator reported that the request for approval of a preliminary and final subdivision plat for the Charles F. Arwood property which had been on the agenda had been withdrawn, and would be re-scheduled for July 15; Eddie Madden said that a water line easement had not been shown on the map.

The Mayor recognized John Randolph, who had appeared to speak on this matter. Mr. Randolph reviewed the history of the property, and stated that a driveway now serving both the Arwood and Randolph property pursuant to cross-easements could not handle the additional traffic. He understood that the subdivided portion of the Arwood property had access to Upper Clear Creek Road, but he had been told that the property owner had no intention of using that access. He felt that the subdivider was using the contention that the property fronts on Upper Clear Creek Road to circumvent the Subdivision Ordinance requirement that a road be provided; he requested that, if the Board approved the subdivision, it do so contingent on ingress and egress being provided from Upper Clear Creek Road.

5. Lamar Nix reviewed recent problems with providing adequate water pressure to the Fred Woolridge property on Many Road since the installation of a second water meter further down the road by Mr. Evans. He recommended crossing NC-28 with a new 6" line to a point above the Evans property, at a cost of approximately \$8000. The Town Administrator reported that he had budgeted funds for capital outlay in the Water Department.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO PROCEED WITH THE WATER SYSTEM IMPROVEMENTS.

6. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO RENEW THE ANNUAL CONTRACT WITH WESTERN CAROLINA COMMUNICATIONS FOR SERVICING THE TOWN'S COMMUNICATIONS EQUIPMENT.

7. Comm. McCall discussed with the Board the recent filling of an EMS position by an employee from Otto. He understood that it was County policy to promote from within the EMS service, but he felt that it was important for EMS personnel at the Highlands station to reside in the Highlands area if possible due to the long distance to Franklin and Otto; he cited a 1984 policy asking the County Board of Commissioners to give first consideration for any openings at the Highlands station to area residents, provided they were qualified. After some discussion, the Mayor asked the Town Administrator and Comm. McCall to draft a letter explaining the Town's rationale in requesting first consideration of Highlands area residents for such positions, and asking that the current County policy be reviewed.

8. The Southwestern Commission had forwarded to each municipality in Region A a request from C. W. Hardin, Mayor of Canton, to adopt a resolution asking that Champion International divest itself of the Lake Logan tract and place it in public ownership to "ensure its environmental integrity for the enjoyment of future generations." Comm. James did not feel that the matter involved the Town. Comm. Patterson felt that it did; she thought cooperative efforts in Region A to protect watersheds were important, and said that she had no problem with private lands going into public ownership.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SANDERS, AND CARRIED TO ADOPT THE RESOLUTION; COMMS. PATTERSON, SANDERS, MCCALL, AND SOSSOMON VOTED "AYE," AND COMM. JAMES VOTED "NAY." A copy is attached hereto and made a permanent part of this record.

9. Town Planner Eddie Madden reviewed the recommendations of the Land Use Planning Committee concerning Commercial Areas, copies of which had been distributed with the agenda; Planning Board Chairman James Tate was also present to answer any questions the Board might have.

The Mayor asked about the recommendation to re-zone the Liz Development property on US-64 from B-3 to R-1. Mr. Madden said that the survey results had shown an interest in reducing highway commercial zoning and encouraging a central business district. The property had been zoned commercial since annexed in 1980, but never developed. Comm. Patterson remembered that the re-zoning of this property had been discussed in 1990 when the Land Use Plan had been adopted.

The Board also discussed the recommendation to re-zone the Merry Mountaineer and Village Goldsmith properties on US-64 from B-3 to B-4; Mr. Madden pointed out that the current uses would still be permitted with B-4 zoning.

James Tate was asked about the recommendations to re-zone the Roger Smith and Gerson Perry properties on US-64 West from B-3 to R-2; he replied that the Committee had made this recommendation because the properties, again, were highway commercial and were not currently being used for business uses.

Mr. Tate was also asked about the recommendation to re-zone the Catholic Church property from R-2 to B-4; he replied that the desire was to create a buffer zone between the B-1 district on Main Street and adjoining residential property.

Comm. James asked about the rationale for recommending that the Neal property south of Spring Street remain residential; the tract had been re-zoned several years ago at the request of the property owner.

Mr. Tate was also asked about the recommendation to change the zoning between Main & Oak Streets and First & Second Streets from B-3 to B-2; he pointed out that the Committee also recommended new setback and landscaping requirements, and said the intent was to avoid the kind of development which had occurred across the street in Wright Memorial Square with a large front parking lot.

Comm. James also asked why Spring Street was being treated differently in different sections. He was concerned that one of the recommendations was that property owners provide a sidewalk on private property, rather than on public property.

It was reported that the Land Use Planning Committee hoped to complete the rest of its recommendations by the end of the month. The Mayor suggested that a special work session should be scheduled to review all of the recommendations, and the Board agreed to discuss scheduling such a work session at the next Board meeting.

Eddie Madden reported that, in order to ensure its remaining commercial, Gerson Perry had indicated that he planned to establish a vested right with regard to his property by applying for a Special Use Permit and a Zoning Certificate.

The Mayor thanked Mr. Tate and the other Committee members present for their hard work on this study.

10. MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, 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), AND TO REVIEW APPLICATIONS FOR EMPLOYMENT FOR A POLICE OFFICER PURSUANT TO G.S. §143-318.11(a)(6). All those present left the meeting room except Town staff.

A. The Board consulted with and gave instructions to the Town Attorney in the above-referenced matter.

B. The Board reviewed an application for full-time Police Officer from Chad Stone, who has been employed as a part-time Police Auxiliary Officer for over a year; Police Chief Jerry Cook recommended employing Mr. Stone for the position.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. The meeting room doors were opened.

11. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND CARRIED TO EMPLOY CHAD STONE AS A PATROL OFFICER AT THE BEGINNING SALARY GRADE AND STEP OF 11-1, BASED ON THE RECOMMENDATION OF THE POLICE CHIEF. Comms. Sossomon, James, Patterson, and McCall voted "aye;" Comm. Sanders voted "nay."

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