

REGULAR BOARD MEETING of November 18, 1998, with Mayor Buck Trott and Commissioners H. N. James, Mike McCall, Ron Sanders, and Zeke Sossomon present.

Also present were Richard Betz, Eddie Madden, Kim Lewicki, Dennis DeWolf, John Ziebarth, Larry Rogers, Hank Ross, Lewis Doggett, Peter Jefferson, Eric Schmitt, Alan Marsh, David Hourdequin, John Dotson, and Bill Coward.

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

II. The Clerk reported that he had received a letter from Schmitt Building Contractors Inc. dated November 17, requesting permission to be added to the agenda of this meeting in regard to a request for a sewer connection on behalf of Henry Mendler. He also asked for permission to include on the agenda approval of a resolution for the Southwestern Commission, and to discuss legal strategy in the Town v. Edwards et. al. case with Town Attorney Bill Coward in closed session.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE ADDITIONS TO THE AGENDA.

III. The minutes of the November 4 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that he had attended a meeting of the Board of Directors of Western North Carolina Tomorrow at Lake Junaluska on November 16.

2. Town Administrator Richard Betz reminded the Board of the public meeting to be conducted at the Highlands Civic Center on November 19 at 7:00 p.m. by the Water Quality Division on the renewal of the Town's wastewater treatment plant permit. He also distributed draft copies of comments which he and the Mayor proposed to make at the meeting.

Mr. Betz also reported that the pre-construction conference on the Main Street Project had been held on November 16 at 1:30 p.m., and everything had gone smoothly. Construction was scheduled to begin on December 7.

Mr. Betz reported that he and Eddie Madden had met earlier in the day with Olan Asbury, Managing Director of MetroSite Management Inc., a telecommunications consulting firm endorsed by the League of Municipalities. He said that the company would inventory antenna sites in Town, assess which were suitable for antennas, work with the Board in developing a land use plan and tele-communications ordinance, and develop a marketing plan, in return for a percentage of the leases under a five-year site management agreement. He and Mr. Madden felt the Town should hear the company's presentation.

MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO HEAR THE PRESENTATION AT THE JANUARY 6 BOARD MEETING.

V. Old Business.

1. The Board again considered the final subdivision plat and Guarantee & Escrow Agreement for Synergistics Inc., a subdivision on Satulah Mountain owned by Bob Morris, as discussed at the June 17, July 15, and November 4 Board meetings. The plat had been approved by the Planning Board at their October 26 meeting, and the Guarantee and Escrow Agreement had been prepared by the Town Attorney. Security in the form of a check for \$17,370 had been received. Each Board member also received a memo from the Town Engineer dated November 9, recommending approval of the plat.

As had been discussed at the previous meeting, the Board agreed to amend the deadline for installation of improvements to twelve (12) months from the date of execution of the Agreement.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE FINAL SUBDIVISION PLAT, AND TO EXECUTE THE GUARANTEE & ESCROW AGREEMENT.

VI. New Business.

1. As requested at the previous meeting, Town Planner Eddie Madden had brought copies of the maps prepared by the Land Use Planning Committee in order to determine the extent of the area the Board wanted to include in a proposed annexation study. The Clerk reported that W. K. Dickson was prepared to provide an estimate on the cost of conducting the engineering portion of the study, and that Geoffrey Willett was still scheduled for the December 16 meeting.

After reviewing the maps, the Board agreed by consensus to ask W. K. Dickson Company to provide an estimate on preparing the engineering portion of the annexation study in the following areas, the estimate to be broken down by section:

WATER SERVICE:

- Section 1—the three areas outside the Town limits served by existing Town utilities, except for Horse Cove.
- Section 2—the area north of Town, within one mile of the Town limits, east of US-64.
- Section 3—the area north of Town, within one mile of the Town limits, west of US-64.
- Section 4—the area west of Town, within one mile of the Town limits.

SEWER SERVICE:

- Highlands Falls Country Club.
- Mirrormont Subdivision.
- Skyline Lodge.

2. Each Board member received an updated copy of a proposed Appendix C of the Zoning Ordinance, regulating the appearance of commercial buildings, and including a color chart. Eddie Madden explained that the color chart was still in draft form due to the difficulty in reproducing the colors accurately. The color chart, together with the more comprehensive standards for building materials, had not been recommended by the Planning Board, but the Board had asked Mr. Madden to develop them both at the June 17 meeting. Mr. Madden said that the standards and the color wheel were based on standards from Stuart, Florida. He also said that the proposed standards would apply to residences located in commercial zoning districts, as well as commercial buildings. A wide-ranging discussion then took place on this matter.

Dennis DeWolf emphasized that the standards were not intended to replace the design guidelines, but rather to narrow the scope of materials that could be used to attain the architectural standards in those guidelines.

Comm. Sossomon felt that the question of how the standards would apply to renovations of existing buildings should be addressed.

Comm. McCall commented on the diversity of architectural appearance in Town; he was concerned that the standards might have the effect of making buildings look more and more alike.

David Hourdequin asked about the use of fire retardant materials in the Fire District; he was concerned that the standards excluded "simulated" materials which were fire retardant, and which in many

cases were very close in appearance to the materials in the standards.

Comm. James agreed with Mr. Hourdequin's comments; he did not feel that there was much rationale in limiting the use of materials that looked exactly like natural materials.

By consensus, the Board agreed to take this matter under advisement.

3. The Southwestern North Carolina Planning and Economic Development Commission had again requested that the Town adopt a resolution requesting the release of its share of State funds to the Region A Regional Council.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADOPT THE RESOLUTION. A copy is attached hereto and made a permanent part of this record.

4. The Board discussed at some length a letter from Schmitt Building Contractors Inc. dated November 17, requesting a sewer connection on behalf of Henry Mendler. Eric Schmitt was present, and explained that his company had contracted to undertake renovations of Mr. Mendler's guest house, which together with a main house was located on a 20.21-acre tract outside but directly adjacent to the Town limits. Construction could not begin because the Macon County Health Department would not approve the existing system for the guest house due to unsuitable soils. The main house was served by a septic system installed on the other side of the Cullasaja River, using a PVC pipe under the bed of the river. That system could be expanded and shared by the guest house, but would be costly and would require crossing the river with equipment. Mr. Mendler requested instead permission to access, at his own cost, the Sherwood Forest Pump Station, which was located directly across from his property; he preferred leaving the main house on its existing septic system since it was functioning property. He was willing to accept annexation of the property.

The Clerk said he had discussed the request with Town Engineer Lamar Nix, and they felt this was a policy question. The Town had a long-standing policy of requiring annexation as a condition for providing water service, but had not articulated a policy for sewer service; the Highlands-Cashiers Hospital was the only sewer user located outside the corporate limits. The Clerk also said that water service was not being requested—water was provided by a private well—and that the monthly minimum user charge for sewer service would be approximately \$20. Mayor Trott commented that providing sewer service would not provide much revenue to the Town.

Comm. McCall was concerned that there was property now in Town that was not being served by sewer, although Town taxpayers had funded the sewer system. He also wondered about the potential for development of the remainder of the 20.21-acre tract.

Comm. Sossomon pointed out that there was plenty of capacity in the wastewater treatment plant at the present time. If there was the potential for cleaning up the river, he did not see why the property owner should not be permitted to access the sewer.

Comm. James also felt it was a win situation for the Town, providing the property owner agreed to be annexed, and provided there would be no cost to the Town of connecting to the sewer. However, he was concerned over the PVC pipe in the river bed from the main house to the septic system, which had the potential of leaking.

Comm. Sanders said he had no problem with the request.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND CARRIED, TO PERMIT THE GUEST HOUSE TO ACCESS THE TOWN SEWER, PROVIDED AN AGREEMENT IS RECEIVED FROM THE PROPERTY OWNER THAT HE IS WILLING TO PETITION FOR ANNEXATION, AND TO PAY ALL COSTS INVOLVED, AT THE PREVAILING CONNECTION FEE; AND FURTHER PROVIDED THAT DYE TESTS ARE CONDUCTED TO ENSURE THAT THE SYSTEM FROM THE MAIN HOUSE IS STILL FUNCTIONAL.

Comms. James, Sanders, and Sossomon voted "aye;" Comm. McCall voted

"nay."

5. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO REVIEW APPLICATIONS FOR EMPLOYMENT IN THE SANITATION DEPARTMENT, AND TO DISCUSS LEGAL STRATEGY WITH THE TOWN ATTORNEY IN THE TOWN V. EDWARDS ET. AL. CASE, PURSUANT TO G.S. §143-318.11(a)(3) and (6). All present left the meeting room except Town staff.

A. The Board reviewed applications for employment in the Sanitation Department from James R. Coffey, Elaine Webb, Robert H. Arnold Jr., and Allen Vernon McCall. The Town Administrator reported that Lamar Nix and Butch Beck had reviewed the applications, and Mr. Nix had recommended employing the most qualified applicant, James R. Coffey.

B. The Board discussed legal strategy in the Town v. Edwards et. al. case with Town Attorney Bill Coward.

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

6. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO EMPLOY JAMES R. COFFEE IN THE POSITION OF SANITATION EQUIPMENT OPERATOR II AT THE BEGINNING SALARY OF GRADE 9, STEP 1 (\$17,240).

VII. There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:15 p.m.

Richard Betz, Town Clerk