

REGULAR BOARD MEETING of January 5, 2000, with Mayor Buck Trott and Commissioners Amy Patterson, Zeke Sossomon, H. N. James, and Mike Cavender present. Comm. Sanders was absent due to illness.

Also present were Richard Betz, Lamar Nix, Bill Coward, Maureen Lackey, Kim Lewicki, Eric Pierson, Morris Williams, Victor Lofquist, Alan Marsh, Moyna Monroe, Philip Carson, Chuck Cooper, Rosemary Fleming, and others.

I. Call to Order.

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

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Clerk asked that the Highlands Fire & Rescue Department Annual Report be added to the agenda.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

III. Approval of Minutes.

The minutes of the December 15, 1999 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor commended the Recreation Department for the New Years Eve fireworks, and read a postcard of appreciation from Tom Adams. He also reported that he had scheduled a dedication ceremony for the clock and bell in the Town Hall cupola for Sunday, February 2, at 1:00 p.m., and he again commended the Millennium Committee for its work.

The Mayor also reported that he had spoken to the County Manager about scheduling a joint meeting with the County Commissioners in March.

2. Each Board member had received the Public Services Administrator's written report for the month. Lamar Nix also reported that the Water Plant was now certified to do its own laboratory work on bacterial analysis. He also reported that the right-of-way had been cleared on Spring Street and the storm drains would be installed next week.

Mr. Nix also reported in a memo to the Board that he had received an engineered plan for a 6" ductile iron water line extension to be installed on Steve Pierson's property for about 3400 linear feet beyond the Fisher property, and along a road that Mr. Pierson had constructed. The line was for future subdivision, and would meet subdivision standards; it also conformed to a W. K. Dickson Company plan prepared for the area some time ago, and would loop back to the water system. He said that he recommended approval by the Town of the extension so that the plans could be submitted to and approved by the State.

Comm. Patterson said that she had a problem approving the plan without seeing the entire subdivision plan. Eric Pierson was present, and confirmed that the objective was to install the line now while the contractor for the Phase I Bowery Road Water Line project still had equipment mobilized. The size and location of the lots to be approved in the subdivision had still not been established and would depend on septic tank approval.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ACCEPT THE TOWN ENGINEER'S RECOMMENDATION RELATING TO THE WATER LINE.

Mr. Nix asked to schedule a meeting with the Utilities Committee to further discuss the water tank maintenance proposal discussed at the previous meeting.

3. W. K. Dickson Company consulting engineer Victor Lofquist was present, and reported that all of the surveying had been done on the Maple Street, Bowery Road Phase II, and West Shore Lake Sequoyah projects. A preliminary layout of the Maple Street project had been forwarded to the Town Engineer for approval. The Bowery Road project was on hold pending a meeting with property owners on Big Bearpen to discuss alternative locations for the water tank. Discussions had been held with property owners in the West Shore Lake Sequoyah project area, working out routing of the line, and design work was approximately 30% complete; he expected drawings to be ready in 30 days.

4. Each Board member received a copy of the Police Chief's written report for the month. Chief Jerry Cook was recuperating from a recent injury incurred in a traffic incident, and was not present; the Mayor commended him for his action in the incident.

The Clerk asked, on behalf of the Chief, that Officer William Perkey, who planned to retire at the end of the month, be given his service revolver.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO GIVE OFFICER PERKEY HIS SERVICE REVOLVER UPON RETIREMENT.

5. Each Board member received a copy of the Recreation Director's report. Selwyn Chalker was present, and distributed a letter from the Land and Water Conservation Fund requesting the Town to submit an LWCF Self-Certification Inspection Report. He also noted that additional LWCF funding might become available to the Town in the future.

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

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

7. Town Administrator Richard Betz reported that the Town had received a letter from Macon County last week informing it that, due to an amendment of the County Code effective November 1, the Town's household solid waste would no longer be exempt from the landfill tipping fees. He said he had talked to County Manager Sam Greenwood earlier in the day and had been told that the reason for the change was to be able to charge Jackson County for the household solid waste they were transporting to the landfill. He understood from Mr. Greenwood that the County was setting up a Study Commission to look at revamping the fee schedule, including not only the tipping or use fee but also the availability fee, and he understood he would be on the Commission; the proposed tipping fees would be held in abeyance until the Commission had completed its work.

V. Old Business.

1. The Town Administrator said that he had still not received a final report from Susan Rabold of Metrosite Management on the existing and requested leases for antenna sites, and understood that Ms. Rabold might be absent on maternity leave. Noting that the moratorium on wireless communication facilities would expire on January 18, he recommended extending it.

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

CARRIED TO EXTEND THE MORATORIUM SIXTY (60) DAYS.

Town Attorney Bill Coward was present and reported that he had discussed his concerns with Section 510.3 of the Wireless Communication amendments with Rich Ducker at the Institute of Government. Mr. Ducker had told him that the four conditions for granting a Special Use Permit for a facility other than one of the sites identified in Table A were sufficient as a matter of administrative law; however, he agreed that the Board should consider dealing with the problem in a more practical way. Mr. Coward then reviewed each of the conditions with the Board:

- "The wireless communication facility will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted." He recommended referencing FCC and other technical codes and standards.
- "The wireless communication facility meets all required conditions, specifications, and development standards of this Ordinance." He recommended retaining as drafted.
- "The wireless communication facility will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity." He recommended instead requiring that the facility not cause an increase in traffic or noise.
- "The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Town of Highlands and its environs." He recommended instead a provision that the height shall not exceed, by a determined amount, the height of the tallest tree within a 100-foot radius; otherwise, stealth technology would be required to make it appear like a tree.

The Board discussed the recommendations in some detail, and agreed that the determined amount in the last paragraph should be ten (10) feet. Mr. Coward was asked to draft a revision based on the recommendations.

2. As requested at the previous meeting, the Town Administrator had drafted a proposed policy on temporary banners. The policy identified organizations and events considered "annual civic events and special holidays" over the past year, and also set a fee of \$100, which he said was based on standard labor charges for the Electric Department.

The Board discussed the policy at some length. Comm. Cavender felt that, rather than a list, a better definition should be provided; he also felt that banners should be limited to one per year. Comm. James said he agreed with the Mayor that the banners should not be permitted. Selwyn Chalker pointed out that it might be difficult to deny permits to some organizations while granting permits to others. Bill Coward suggested the Chamber of Commerce be requested to manage banners; he also felt the policies of other municipalities should be investigated. Morris Williams suggested that the Town Administrator determine which organizations would qualify.

MOVED BY COMM. CAVENDER TO ACCEPT THE POLICY AS DRAFTED, BUT TO LIMIT THE BANNERS TO ONE PER YEAR. There was no second to the motion.

By consensus, the Board asked the Town Administrator to review the banner policies of other municipalities and prepare a revised policy accordingly.

3. Each Board member had received a copy of a revised escrow agreement for funds raised for the condemnation of Bowery Road, as discussed at the previous meeting. Bill Coward said that the agreement had been amended pursuant to the resolution adopted at that meeting setting a limit of \$400,000 to be provided by private donations. He also reviewed a provision that said that the Board could, by unanimous vote, dismiss the proceedings if continuation

would substantially impair the Town's ability to provide necessary services to its citizens and if deemed in the Town's best interests.

Amounts remaining in the escrow account would be returned to Dan Chapman, and donors could remain anonymous if they chose not to sign the agreement.

Comm. Cavender requested time to study the agreement, and the Board agreed to defer action until the next meeting.

Philip Carson was present and asked if he would be permitted the opportunity to speak at the next meeting. The Mayor told him he could speak now. Mr. Carson then reiterated his concerns over one group of property owners raising money to condemn property owned by others. He also said he thought the provision requiring a unanimous vote to dismiss would be a serious invasion of the Board's right to consider alternatives, which he still felt the Board ought to pursue. He said that entering into such an agreement with property owners who could remain anonymous would be horrible, and he also said he did not feel such property owners would be able to claim a tax deduction if they would be getting part of their money back.

Finally, noting that the Board had approved a water line extension in the area earlier in the meeting, he pointed out that he had asked before for a moratorium on development in the area until this road issue was resolved; in the meantime, it would put the populace in danger, as it was the only road in and out of the area.

4. The Town Administrator said that he had met with John Cleaveland earlier in the day concerning the guarantee and escrow agreement for Bob Morris's Satulah Vista Subdivision. Mr. Morris had forwarded a check in the amount of \$14,400, and had also suggested several revisions to the agreement.

The Board discussed the suggested revisions at some length, as well as the check which had been provided; it agreed that, at the December 1 meeting, an estimate on the cost of the road had been requested in addition to the funds. The consensus was that a copy of the contract should be submitted supporting the escrow amount, and the Town Attorney was asked to amend the agreement accordingly in paragraph 2, Completion Date. The other suggestions were rejected, and it was also agreed that (d) under paragraph 1, Undertaking, should be amended such that the exact location of the alternative-design cul-de-sac be identified. It was also noted that a new subdivision plat should be prepared and recorded reflecting the location of the new cul-de-sac. The Town Attorney was asked to make the changes for review at the next meeting.

VI. New Business.

1. MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE ELECTION OF MIKE MCCALL AS FIRE CHIEF FOR 2000, AND TO RE-APPOINT BOB HOUSTON AS ONE OF THE TOWN'S REPRESENTATIVES ON THE FIREMEN'S RELIEF FUND FOR A TWO-YEAR TERM.

2. Each Board member had received a copy of the Highlands Fire and Rescue Department's Annual Report for 1999. It was noted that the recommendations concerning medical insurance and paying members per call would need to be discussed in conjunction with the FY 00-01 budget.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ACCEPT THE REPORT.

3. Chuck Cooper was present to request that the Town consider grounding the Big Bearpen antenna where WHLC's and other antennas were located. The Mayor said he felt the company erecting the tower should have grounded it. Mr. Cooper replied that, although the tower was grounded now, it would be beneficial to all of the tenants on the tower to have better grounding; this could be provided by connecting to a grounding system located on Northland Cable Television's adjoining property. He said he would be glad to reimburse the Town for the expense of the installation. A letter

had been written from Lee Johnson of Northland dated November 16, 1999, holding the Town and WHLC harmless from any occurrences arising from the additional grounding.

Town Engineer Lamar Nix said that the new tower had been connected to the grounding system of the old tower, on Town property, which as far as he knew had been adequate. He felt that if grounding was to extend to the adjoining property, the Board would have to give its approval.

Bill Coward pointed out that the November 16 letter was not an enforceable hold harmless agreement; the Board authorized him to prepare such an agreement between the Town, Northland, and WHLC.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE MR. COOPER'S REQUEST TO INSTALL THE GROUNDING SYSTEM AT HIS OWN EXPENSE, UPON THE APPROVAL OF THE TOWN ENGINEER, AND CONTINGENT ON A HOLD HARMLESS AGREEMENT TO BE PREPARED BY THE TOWN ATTORNEY.

4. John Lupoli was present and explained that he proposed constructing eight additional units at Old Creek Lodge. Because the soil would not accept a septic system and Town sewer was not available, he proposed connecting to the private sewer collection system in Shelby Place adjoining his property; he proposed purchasing property there, together with the sewer connections that went with the property.

The Board discussed the proposal at some length. Comm. Patterson pointed out that there were problems with the Shelby Place sewer system. The Town Administrator read the motion approving the Town's 1985 franchise agreement with Shelby Place and Highlands Country Club for the private system, and also excerpts from the agreement itself. The motion limited assignment to "home owners using the system" and to "140 single family residences," but the agreement contained only the latter requirement. He said that because the extension was to property outside Shelby Place or Highlands Country Club, he felt the Board should approve it. It was pointed out, however, that both the Hudson House and the Fitness Center had purchased sewer connections from Shelby Place.

Comm. Cavender asked if a new agreement would be required if the request was granted. Bill Coward suggested that a modification agreement could be prepared. Comm. James felt that all of the parties to the agreement would need to sign it if approved; he asked that the matter be taken under advisement until the next meeting, and the Board agreed to do so.

5. Victor Lofquist was present to discuss the Water & Sewer Facilities 10-Year Needs Assessment Study prepared by W. K. Dickson Company, copies of which had been distributed at the previous meeting. He reminded the Board that the study had been commissioned by the County, but that some areas had been added which were being considered for annexation by the Town. The needs analysis had included information provided by the Town on deficient lines or areas not provided with water or sewer, as well as the five areas identified outside of Town by the Land Use Planning Committee. Although it did not directly address it, he said that the re-classification of Lake Sequoyah was an essential element of water supply and would be added as a revision to the report.

The Town Administrator reported that he had spoken to Harold Saylor, Public Water Supply Section Regional Engineer, in mid-December and been told that the re-classification package had been sent to the Commission for Health Services for final approval; the Commission met quarterly, so approval was not expected for a couple of months.

Mr. Lofquist said that the existing capacity of Big Creek, according to Army Corps of Engineers data, was only 1 MGD; in expanding the new Water Plant to 1.7 MGD, the Town was already relying on Lake Sequoyah, where an intake had been approved several years ago. The additional water available in the Lake would provide about 5.3 MGD,

and the maximum limit of the Water Plant would be about 3 MGD.

In summary, it appeared that the Water Treatment Plant was adequate enough over the next 10-15 years to treat the annexed areas identified without needing to increase capacity. The Wastewater Treatment Plant, however, was not, and he recommended that the Town begin to review its capacity within the next five years; the WWTP was already nearing 50% capacity, and at 80% capacity the State would require a review.

The Mayor thanked Mr. Lofquist for the report, and asked him to forward the revisions to the Town Administrator.

6. Several Board members noted that they would be unable to attend the next regularly scheduled meeting on January 19, and it was therefore agreed by consensus to cancel that meeting.

7. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO REVIEW APPLICATIONS FOR EMPLOYMENT FOR ASSISTANT WATER/SEWER FIELD SUPERINTENDENT, PURSUANT TO G. S. §143-318.11(A)(6). All present left the room except the Town Attorney, the Clerk, the Zoning Administrator, and the Public Services Administrator.

The Board reviewed applications from Stanley Houston and Wayne Johnson for the position vacated by Mike Burrell, who had retired. The Public Services Administrator said he and the Water/Sewer Field Superintendent both recommended employing Stanley Houston in the position.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION.

8. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO EMPLOY STANLEY HOUSTON AS ASSISTANT WASTER/SEWER FIELD SUPERINTENDENT AT A SALARY OF GRADE 12, STEP 7 (\$23,650).

The Board also authorized advertizing for the position of Water/Sewer Maintenance Worker II vacated by Mr. Houston.

VII. MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:30 p.m.

Richard Betz, Town Clerk