

REGULAR BOARD MEETING of May 3, 2000, with Mayor Buck Trott and Commissioners Amy Patterson, Zeke Sossomon, H. N. James, Mike Cavender, and Ron Sanders present.

Also present were Richard Betz, Lamar Nix, Maureen Lackey, Selwyn Chalker, Jerry Cook, Kim Lewicki, Alan Marsh, Rosemary Fleming, and Sherry & Buddy Kremser.

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 Closed Session be amended to exclude everything except applications for employment in the Police Department.

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

III. Approval of Minutes.

The Clerk noted an error which Comm. James had brought to his attention in the minutes of the April 12 Board meeting; under New Business, Item No. 2, Page 103, the motion did not carry unanimously, and Comm. James had voted "nay."

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

IV. Reports.

1. The Mayor reported that he and the Town Administrator had attended a meeting in Asheville on April 24 at which a hearing officer from the Division of Water Quality in Raleigh had inquired into an EPA 319 grant to Save Our Rivers for streambank restoration on the Cullasaja River basin above the Lake Sequoyah Dam. He said that the District Conservationist had not been contacted and objected to the grant, it was unknown which property was to be restored, and apparently the grant was a sole source contract with no bidding; he did not know whether it would be approved. He and the Town Administrator had then gone to Raleigh the following day.

The Mayor also reminded those present that the National Day of Prayer would be celebrated the next day.

2. Each Board member had received the Public Services Administrator's written report for the month. Lamar Nix was present and reviewed the report with the Board. He said that the Spring Street project was going well, and reported that he had met with John Lupoli earlier in the day. Mr. Lupoli had indicated that the sidewalk along the east side of Third Street may not tie in with work he was planning within the next two years; he proposed at that time constructing a tree well around the large oak tree, a retaining wall, diagonal parking, and a sidewalk, all at his own expense. Alternatives to proceeding with this sidewalk as proposed could include pouring a monolithic concrete sidewalk west of the tree in the street, or widening the asphalt there and marking it temporarily with paint. The Board agreed by consensus to mark the edge of the road with paint.

3. Each Board member had received the Police Chief's written report for the month. Jerry Cook was present and reviewed the report with the Board, noting that all of the breaking-and-entering cases and several larcenies had been cleared back to November.

4. Each Board member had received a copy of the Recreation Director's report for the month. Selwyn Chalker was present and reviewed the report with the Board.

5. Each Board member had received a copy of the Town Planner/ Zoning Administrator's report for the month. Maureen Lackey was present and reviewed the report with the Board.

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

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

The Finance Committee also agreed to meet with the Treasurer to begin discussing the FY 00-01 budget at 1:00 p.m. on May 10.

7. The Town Administrator reported that he and the Mayor had attended the Environmental Review Commission meeting on April 25 in Raleigh. They had both been permitted to speak, as had Peg Jones, President of Save Our Rivers, and he felt their concerns over the Scenic River designation for the Cullasaja River had been heard and well-received. The Commission had agreed to proceed with the designation, but to include in the bill being prepared for the Legislature language that will explicitly state that the designation will not impose any additional water quality standards on the Town's Wastewater Treatment Plant or hinder the Town's plans to expand it.

As of this date, the Town had not received a copy of the draft bill.

He also distributed copies of an advisory opinion which had been received from the Attorney-General's office dated April 10 on the Bowery Road escrow agreement, stating that it was "not prohibited by North Carolina law or public policy." Also distributed were a letter from Town Attorney Bill Coward correcting an error in sending the wrong agreement, an acknowledgement of that letter, and a letter from Phil Carson objecting to the opinion.

He also reported that he had received Richard Melvin's brief in the Edwards et. al. case before the Court of Appeals. Town Attorney Bill Coward would be completing his brief soon, and he agreed to forward both to the Board when it had been prepared.

Minutes of an April 14 meeting of the Hospital Planning Committee, prepared by Jim Graham, had also been distributed.

V. Old Business. None.

VI. New Business.

1. Each Board member had received a copy of the Policy on Appointments to Board and Committees adopted on June 17, 1998; a report on members whose terms were due to expire on the Zoning Board, Planning Board, Appearance Commission, ABC Board, Scholarship Committee, Advisory Committee for Scholarship Endowment Fund, and Cemetery Committee, including when they had been appointed or re-appointed; a list of citizens who had expressed an interest in serving on Boards or Committees; and a nomination form. The Clerk asked each Board member to forward nominations to him by the middle of next week so that he could tabulate them before the next meeting.

2. The Town Administrator reminded the Board that the Planning Board had recommended amending the Zoning Map to re-zone the Performing Arts Center property on Chestnut Street from R-2 Residential to GI Governmental Institutional upon transfer of ownership.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING FOR JUNE 7 AT 7:00 P.M. TO RECEIVE COMMENTS FROM THE PUBLIC ON THE RE-ZONING.

3. An audit proposal had been received from Lucas & Keener, PA, to conduct the FY 99-00 audit for a fee not to exceed \$14,300, an increase of 10% over last year. Treasurer Richard Betz said that LaDonna Keener did an excellent job on the audit, and he recommended accepting the proposal. He also noted that it had been completed on time the previous year.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ACCEPT THE AUDIT PROPOSAL.

4. A proposal for landscape maintenance had been received from Group One in the amount of \$7,300, the same amount as last year.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO ACCEPT THE PROPOSAL.

The Clerk was asked to obtain an estimate on the additional cost for maintenance of the new dogwood trees along Main Street.

5. Each Board member had received a list of streets and parking lots for re-surfacing prepared by the Town Engineer. Mr. Nix reported that there was \$60,000 budgeted for street paving this year. The Clerk reminded the Board that it had agreed earlier in the year to proceed with paving Spring Street, at Comm. James's suggestion, from ad valorem tax revenues, which were expected to exceed estimates by more than \$80,000. The paving identified was as follows:

Street	Cost
1. Wahoo Drive	23,060.00
2. Holt Road	26,600.00
3. Bowery Road	24,000.00
4. Kremser/Main St.	6,400.00
5. 4 1/2 Street	7,280.00
6. Talley Road	9,910.00
7. Keener Road	17,347.00
8. Conference Center Parking Lot	3,990.00
9. Recreation Park Parking	22,530.00

Comm. James felt that No. 3, Bowery Road, should be funded from the Capital Projects Fund because it was part of that Water Project; he also did not feel items No. 8 or 9 were priorities.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO ADVERTIZE FOR BIDS FOR ITEMS NO. 1 THROUGH 7, AS WELL AS SPRING STREET, TO BE RECEIVED AT THE MAY 17 MEETING.

6. Sherry and Buddy Kremser were present with a plan indicating a portion of their required East Main Street sidewalk located on their own property, in order to permit diagonal parking in front of their new shopping center rather than parallel parking; the sidewalk was only four-feet in width, which Ms. Kremser said was what had originally been planned for the property. Comm. James felt the sidewalk should be six feet in width in keeping with the recent policy change. The Zoning Administrator noted that, if the sidewalk was six feet wide, the permitted "built-upon" for the property would be exceeded. The Clerk felt that, if a four foot sidewalk was permitted, curb stops should be required in order to assure adequate width under ADA and building code standards. An easement similar to that prepared for the property owners along Spring Street would be required for the portion of the sidewalk located on the Kremser property.

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

CARRIED TO APPROVE THE PLAN, INCLUDING A FOUR-FOOT SIDEWALK, PROVIDED THE SIDEWALK MEETS ALL APPLICABLE STANDARDS.

7. Comm. Patterson asked if the parking plan for Spring Street included trees like those on Main Street. She was told that it did not, and that the curb had already been poured. Comm. Cavender asked about landscaping along the top of the retaining wall at the Reeves Hardware property. Mr. Nix said that the owners had indicated that the fence would be rebuilt and some landscaping provided there; Comm. James felt the Town should encourage such landscaping, perhaps offering to assist.

8. Comm. James commented that he felt citizens like the Kremers should be heard earlier in the agenda rather than being required to wait until the end of the meeting. He also asked about a survey he had requested from the Clerk several months ago locating the right-of-way of Foreman Road at the Crook property; he felt that a different surveyor should be employed if the current one did not complete the job soon.

9. MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO REVIEW APPLICATIONS FOR POLICE PARKING ENFORCEMENT OFFICER, PURSUANT TO G.S. §143-318.11(A)(6).

The Board reviewed applications for this position with Police Chief Jerry Cook. No applications had been received for the part-time position; six applications had been received for the full-time position. Chief Cook recommended employing Joshua David Houston in the full-time position, and said he thought he could enforce the Ordinance with one full-time employee plus some additional help from his other officers.

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

12. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO EMPLOY JOSHUA DAVID HOUSTON AS POLICE PARKING ENFORCEMENT OFFICER AT A SALARY OF 9-1 (\$17,585).

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 8:30 p.m.

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Richard Betz, Town Clerk