

REGULAR BOARD MEETING of August 16, 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, Bob Wright, Jodie Cook, Dave Barstow, Sarah Fenton, Mary Jo Fenton, Gerald Pannabecker, Paulette Webb, George Mayer, Hank Ross, Cathy MacIntyre-Ross, Kevin Fitzpatrick, and several others.

I. Call to Order.

The Mayor called the Regular Board 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 to review employment applications in the Street and Sanitation Departments be amended to include consultation with the Town Attorney to discuss possible litigation involving the Town and other as-yet unknown parties, and also that New Business include approval of two tax releases.

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

III. Approval of Minutes.

Copies of the minutes of the August 2 Regular Board Meeting had been distributed by mail. A printer error had already been noted and corrected by the Clerk.

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

IV. Reports.

1. The Mayor reported that he had attended a League of Municipalities Board of Directors meeting in Raleigh the previous week. The Board had not approved a resolution concerning electric deregulation, which would have endorsed a plan whereby all electric customers in the State would pay back the \$5.5 million debt incurred by several eastern North Carolina cities.

He also reported that the Vietnam Wall Experience would be coming to Franklin September 1-7, and the Town would be contributing a memorial wreath in a ceremony on September 4.

He also reported that the Chamber of Commerce had approved at their meeting the previous night a Main Street Ambassadors program, whereby volunteers would assist visitors by answering questions and providing directions; the Ambassadors would be in communication with the Highlands Police Department, but would fill a hospitality rather than a police role.

Finally, the Mayor reported that the newly-released draft Transportation Improvement Program included improvements on US-64 in the Cullasaja Gorge.

2. The Town Administrator had provided copies of a proposed letter from the Highlands Fire & Rescue Department to property owners in Jackson County in the Department's coverage area, informing them that because they did not receive fire protection money from Jackson County property owners, they were requesting that Cashiers-Glenville Fire Department be the first responding (primary) fire protection, with Highlands the mutual aid (back-up) department. The Board had no objection to the letter.

He also reported that \$72,000 had been contributed to date to the Bowery Road Escrow Fund.

He also reported that Town Engineer Lamar Nix had received a request for a four-way stop sign. Mr. Nix was present, and explained that the request was for a sign at the corner of Smallwood and Leonard.

Comms. Cavender and Sossomon, who constituted the Street Committee, said that they were familiar with the intersection and recommended the stop sign. MOVED BY COMM. CAVENDER, SECONDED BY COMM. CAVENDER, TO INSTALL THE STOP SIGN. Comm. Patterson said that she wanted an opportunity to look at the intersection, and Comm. Cavender agreed to withdraw his motion; the Board agreed to consider it at the next meeting.

V. Old Business.

1. The Town Administrator reported that, at the direction of the Board at the July 19 meeting, he had written to Currahee Paging to see if they were still interested in renting space on the Big Bearpen tower for a paging transmitter; the request had been submitted during the moratorium on wireless communications facilities. Tim McCollum, owner of Currahee Paging, had replied in a letter dated August 1 that he was still interested. The rent recommended by MetroSite Management for the antenna was \$2400 annually.

There was some discussion on the appropriateness of the amount recommended, in view of the Board's decision on July 19 to reduce other recommended rents. Comm. Cavender pointed out that this antenna would be itself a business, used to make money, whereas the other antennas were a part of existing local businesses; he felt the Town should accept MetroSite's recommendation.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SOSSOMON, AND CARRIED TO APPROVE A RENT OF \$2400 ANNUALLY FOR THE CURRAHEE PAGING ANTENNA PURSUANT TO THE RECOMMENDATION FROM METROSITE MANAGEMENT. Comms. Cavender, Patterson, and Sossomon voted "aye;" Comm. James voted "nay," commenting that he did not feel the Town was being consistent.

VI. New Business.

1. Dave Barstow was present with several others representing the Lake Sequoyah Improvement Association (LSIA). He said that he was on the Siltation Committee of the LSIA and had been reviewing a serious siltation problem in the Big Creek arm of Lake Sequoyah, the Town's primary source of drinking water. One of the two main causes of the siltation was dirt, sand and gravel from Hickory Hill Road and Azalea Circle at two points; he and other property owners had met with the D. O. T. and explored new grading techniques and drainage swales for these unpaved road, but thus far the efforts had proven unsuccessful. He recommended that the Town consider taking over Hickory Hill Road and paving it. The second main cause of the siltation was the lowering of Randall Lake at Skyline Lodge outside of Town prior to November of 1999 in order to repair the dam. The owner of the lake, Bob Naas, had not submitted plans to Dam Safety officials; because the gate and penstock could not be operated, the penstock valve had been pried open and large holes taken out, releasing a tremendous amount of silt, accumulated over decades in the lake. Bob Wright, engineer with the Upper Cullasaja Watershed Association, had estimated that between 80,000 and 100,000 cubic yards of silt had been released in Big Creek. He submitted several photographs showing the silt as a large brown plume, and said that a deep pool upstream of Big Creek, which he had previously observed for 12 years, had filled up very rapidly since last November. The Town had been forced to remove five dump-truck loads of silt from above its water intake as an emergency measure. He also noted that the color of the lake had dramatically changed, from green to brown, and canoes could no longer access areas of the lake. Dr. William McLarney, who had been conducting biological monitoring in Big Creek

for some time, had also noted a change in the lake between July of 1999 and July of 2000; the stream bottom was now buried in two feet or more of sediment. He said that no action had been taken thus far in addressing the problem, and he urged the Town to work with the LSIA to solve the problem.

Sarah Fenton quoted from Section 6.5-36 of the Town's Lake Ordinance, which said "No person shall commit any act, whether intentional or by neglect, that is likely to affect the purity of the water in Lake Sequoyah;" she felt this applied to siltation. She said she had been told that the Town had no jurisdiction outside of Town, but had not been told what the Town planned on doing about the problem.

She noted that Comm. Cavender had asked the Board to go on record at the July 19 meeting adopting a policy "to do whatever is reasonably necessary to protect our watershed;" she felt the Town needed to honor that policy now.

Kevin Fitzpatrick read into the record an e-mail communication from Dr. William McLarney, referred to earlier by Mr. Barstow, documenting the changes he had noted in Big Creek. He also submitted several photographs of the creek and dam.

The Mayor commented that he had sat on Mirror Lake watching it slowly silt in for years, but not as suddenly as this. Through his efforts with the Mirror Lake Improvement Association, he had concluded that siltation should be stopped at its source, and had also become convinced that small catch basins could be effective. He reported that the Town was trying to develop a system where it could monitor sedimentation in Big Creek at the Water Plant.

Sarah Fenton noted that Gerald Pannabecker, site manager for Skyline Lodge, was present; she wondered if a dialogue could begin with the owner of Randall Lake, Mr. Naas.

Mr. Pannabecker pointed out that the dam had retained silt from fifty or more years of sedimentation when Mr. Naas had bought the lake.

He said he was making efforts to dredge the lake and repair the dam, and also said that Mr. Naas had retained an engineer from Asheville to develop a plan to repair the dam and apply for a permit to do so.

Bob Wright was concerned that something be put in place now to protect the penstock from another event. Mr. Pannabecker said that water had already backed up at the penstock and that should keep the silt contained.

Comm. Cavender felt that paving Hickory Hill Road was an important issue to address, although a cost estimate could not be obtained until a decision was made about the standard to which the road would be paved. After some discussion, the Board agreed for the Street Committee to work with the Town Engineer to review the possibility of paving the road.

Comm. Cavender also said that, now that Lake Sequoyah had been classified as a drinking water supply reservoir, he felt that it would be prudent to better control the western shore, which was out of the jurisdiction of the Town. He felt that it would be easy to extend the Town's extraterritorial jurisdiction (ETJ) into that area in order to control Watershed and Soil Erosion. He said that he had seen too many examples of the County not being as enthusiastic as the Town in protecting watersheds.

Comm. James felt that there needed to be better dialogue with the State and with the County about these issues. Comm. Patterson wondered what the area would entail, and Comm. Cavender suggested that Town staff could prepare a map of the proposed ETJ area.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED FOR STAFF TO PREPARE AN ETJ MAP OF THE LAND WEST OF LAKE SEQUOYAH TO PRESENT AT THE NEXT BOARD MEETING.

2. The Town Administrator had prepared a Memorandum of Renewal of Lease for the Highlands Emergency Council building on Poplar Street for a 5-year term, pursuant to the previous meeting, and it had been reviewed by the Town Attorney.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE RENEWAL OF LEASE.

3. Ad Valorem Tax Releases had been prepared, pursuant to action of Macon County, for Highlands United Methodist Church in the amount of \$173.92 and for Allen S. Hardin Jr. in the amount of \$154.14.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE THE TAX RELEASES.

4. MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO REVIEW APPLICATIONS FOR EMPLOYMENT IN THE STREET AND SANITATION DEPARTMENTS PURSUANT TO G. S. §143-318.11(A)(6), AND TO CONSULT WITH THE TOWN ATTORNEY TO DISCUSS POSSIBLE LITIGATION INVOLVING THE TOWN AND OTHER AS-YET UNKNOWN PARTIES, PURSUANT TO G. S. §143-318.11(A)(3). All present left the meeting room except the Town Administrator, the Public Services Administrator, the Town Attorney, and the Zoning Administrator.

A. The Board reviewed with the Public Services Administrator employment application from Bobby Jenkins in the Sanitation Department and Shannon McIver in the Street Department; Mr. Nix recommended employing both applicants.

B. The Board consulted with the Town Attorney on possible litigation involving the Town and other as-yet unknown parties.

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

5. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO EMPLOY BOBBY JENKINS IN THE SANITATION DEPARTMENT AT A PAY GRADE AND STEP OF 9-1, AND TO EMPLOY SHANNON MCIVER IN THE STREET DEPARTMENT AT A PAY GRADE AND STEP OF 9-1.

6. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO DISCUSS REAL PROPERTY ACQUISITION PURSUANT TO G. S. §143-318.11(A)(5). Present were the Town Administrator, the Public Services Administrator, the Town Attorney, and the Zoning Administrator.

The Board discussed the possible acquisition of real property.

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

7. Comm. Patterson suggested, in light of the discussion earlier in the meeting, that the Mayor write a letter to Bob Naas, owner of Randall Lake, asking what his plans were and what his time frame was for the repair of the dam; the Board agreed.

VII. MOVED BY COMM. CAVENDER, SECONDED BY COMM. SOSSOMON, 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