

REGULAR BOARD MEETING of October 18, 2000, with Mayor Buck Trott and Commissioners Zeke Sossomon, Amy Patterson, H. N. James, Ron Sanders, and Mike Cavender present.

Also present were Richard Betz, Lamar Nix, Bill Coward, Maureen Lackey, Kim LeWicki, Bob Wright, Mildred Johnson, Alan Marsh, Jodie Cook, Ralph Morris, and Larry Rogers.

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 one item of Old Business be added: Review of agreement with Highlands Mountain Club.

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

III. Approval of Minutes.

Copies of the minutes of the October 4 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that he and the Town Administrator had attended the annual convention of the League of Municipalities in Fayetteville. The program had included several informative seminars, as well as addresses from Governor Hunt and General Henry H. Shelton, Chairman of the Joint Chiefs of Staff.

He also reported that the Fire Chief had declared a ban on open burning in Town due to the dry conditions.

2. Comm. Sossomon reported that the Street Committee had discussed private settlement negotiations related to the condemnation of right-of-way along Bowery Road. He felt that the Board should authorize the Committee to contact the ad hoc committee, comprised of private property owners in the area who were involved in the negotiations, so that the Town could stay informed and perhaps provide some structure. Comms. Cavender, Patterson, and Sanders said they agreed. Comm. James said he had no problem with the suggestion, but he felt someone should come up with some minimum guidelines. He had no problem with relocating the right-of-way, for example, but he felt there needed to be a basic standard for building a road. He also pointed out that a compromise could jeopardize State funding.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO AUTHORIZE THE STREET COMMITTEE TO WORK, FOR INFORMATIONAL PURPOSES, WITH THE AD HOC COMMITTEE ATTEMPTING TO SEE IF THERE IS A COMPROMISE POSITION ON ACQUISITION OF THE RIGHT-OF-WAY ALONG BOWERY ROAD.

Comm. James felt that the Board should be kept regularly informed about the work of the Committee.

V. Old Business.

1. Comm. Sossomon read the following recommendation of the Street Committee into the record:

"The Utilities Committee met on October 9 to consider a proposal from the `106 Sewer Project Developers' presented at the October 4th Board meeting.

The Committee recognizes that a sewer line along NC-106 is a top priority for the Town. The project, which would connect the West Shore Lake Sequoyah Sewer Line to the Spring Street Lift Station, is identified in the Capital Improvement Program for the next fiscal year. It would eliminate that Lift Station, thus saving possibly significant maintenance costs in the future, and would also provide sewer service to problem areas along NC-106.

Funds were budgeted for the Maple Street project in the current fiscal year in excess of the bid that was approved at the previous meeting. The Utilities Committee recommends that this sewer project be approved as a Town capital project for this fiscal year, and that these excess funds be committed for that purpose.

We propose that the Town provide 75% of the balance of the cost of the project, not to exceed \$350,000, and that the "106 Sewer Project Developers" provide the balance of the cost.

If approved, we recommend that the Town reach an agreement with Pesterfield Engineering to complete the engineering on the project. The balance of the cost of the project would include engineering from this date forward, but would not include engineering costs incurred to date. Users connecting to the sewer line would be responsible for running all lateral service lines at their own expense and paying full prevailing connection fees and user fees.

The Committee also recognizes the possibility that sewer extension priorities could change next year. If the project is not undertaken during the current fiscal year, the Committee recommends that, like all items in the Capital Improvement Program, the Board re-evaluate it before funding it in the next fiscal year."

The Board then discussed the recommendation at some length. Comm. Sanders said he thought Town policy called for only 25% funding of sewer line extensions. Comm. Sossomon explained that the theory was that this project was already in the Capital Improvement Program for next year, when it would presumably be considered for 100% funding by the Town; this would be an opportunity to construct it now with 25% savings to the Town. Comm. James agreed; he said this was a major sewer line which we intended to install next year, and our sewer policy provided for such lines to be funded entirely by the Town.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, TO ACCEPT THE REPORT.

Town Attorney Bill Coward asked when the developers would pay the 25%; Comm. James suggested that the funds be placed in escrow before the contract was awarded. Comm. Sanders said that he would be willing to approve 50/50 funding, but not 75/25; he was concerned about being fair to everybody. Comm. Cavender said that he sympathized with Comm. Sanders, because many people in Town have had to bear the cost of installing sewer lines; on the other hand, this was a Capital Improvement Program project which needed to be done, and funding was available to do it earlier than planned. Comm. Patterson said she was not certain it was fiscally responsible to spend funds because they were left over due to low bids on other projects; she asked for some time to consider the recommendation. Comm. Sanders agreed.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UN-ANIMOUSLY CARRIED TO DEFER CONSIDERATION UNTIL THE NEXT MEETING.

2. Each Board member had received a copy of a modified agreement between the Town and Highlands Mountain Club prepared by the Town Attorney in consultation with Comm. Sossomon, as discussed at the previous meeting. Mr. Coward said that none of the changes were major, and he planned to forward it to Richard Melvin, the Mountain Club's attorney; a proposed easement for the sewer line had already been sent to Mr. Melvin for review.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE THE AGREEMENT.

VI. New Business.

1. Formal sealed bids for the "Highlands Volunteer Fire Department 2000 Addition and Renovation" had been advertized for the second time for this time and place. Only one bid, from Schmitt Building Contractors, had been received. It was publicly opened and read; the lump sum bid was \$480,000. The Town Administrator reported that only \$375,000 had been budgeted for the project.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO REJECT THE BID.

2. The following formal sealed bids had been opened at 2:00 p.m. in the Conference Room for the West Shore Lake Sequoyah Sewer Project, pursuant to second advertisement:

Larry Rogers Construction Co. Inc.....	\$233,779.32
Clark & Leatherwood Inc.....	329,661.00
Wolfpen Associates Inc.....	243,456.00
Hobson Construction Co. Inc.....	270,571.00
Parker Excavating Inc.....	359,310.00
J & L Specialty Equipment Co. Inc.....	176,698.70

The Town Administrator reported that W. K. Dickson Company had briefly reviewed the bids after the opening, and consulting engineer Victor Lofquist had advised that his firm did not have sufficient information at this time to make a recommendation on awarding the contract; Mr. Lofquist had reported that he was unfamiliar with the contractor and would need to evaluate their references, and was also unsure if the bid bond was valid.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO DEFER ACTION UNTIL A RECOMMENDATION HAD BEEN RECEIVED FROM THE TOWN'S CONSULTING ENGINEERS.

3. The following informal sealed bids had been opened at 2:00 p.m. in the Conference Room for the Fourth Street Sewer Line Replacement:

Larry Rogers Construction Co. Inc.....	\$35,156.60
Hobson Construction Co. Inc.....	53,388.75
Parker Excavating Inc.....	68,722.00

The Town Administrator reported that \$71,000 had been budgeted for the project. Town Engineer Lamar Nix, who had prepared the plans and specifications in-house for the project, reported that he had reviewed the bids, and he recommended awarding the contract to the low bidder.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO AWARD THE BID FOR THE FOURTH STREET SEWER LINE REPLACEMENT TO LARRY ROGERS CONSTRUCTION CO. INC.

4. The following informal sealed bids had been received on a 2001 Crown Victoria or equivalent police car:

Matthews Motors.....	\$20,500.00
Bill Smith Ford.....	20,990.00

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

CARRIED TO AWARD THE BID TO MATTHEWS MOTORS.

5. Informal bids had been solicited on the sale of one piece of surplus equipment, a brush chipper; no bids had been received. The Town Administrator agreed to advertize more widely.

6. Each Board member had received a copy of a revised map of a proposed extraterritorial jurisdiction (ETJ), indicating the Highlands Watershed and including rivers and lakes, as requested at the previous meeting.

The Board then discussed the proposed extension of Soil Erosion regulations into the ETJ at some length. The Town Administrator reported that County Manager Sam Greenwood had told him that the County was preparing to consider a local Soil Erosion and Sedimentation Ordinance. He also said that he had discussed an Ordinance Regulating the Draining of Impoundments with Mr. Greenwood and he had indicated that the County would be interested in considering it. Comm. Cavender said he understood the County Planning Board was looking at several ordinances, but there was never any assurance that they would be adopted; he had never seen the County do anything that gave him faith that it would enthusiastically enforce such an Ordinance. The Mayor said he had spoken with County Comm. Bryson, and he had told him he thought an impoundment draining ordinance would be adopted. Comm. James asked about County enforcement of the watershed buffers. Maureen Lackey reported that the County had indicated that they would enforce the buffer requirement, but she no longer felt that there was a firm commitment as indicated earlier. She also reported that she had been told that implementing the Watershed Protection Ordinance might take some time.

The Town Administrator then explained the procedure for establishing an ETJ, which involved defining the area exactly, notifying all property owners, and holding a public hearing. He said that there would be some additional administrative work, involving the cooperation of the County Building Inspector in the issuance of Land Disturbing Permits by the Town in the ETJ, as well as some additional permitting and inspection time for the Zoning Administrator.

Ms. Lackey said that she felt a minimum of two on-site inspections would be required to ensure compliance with Best Management Practices intended to prevent sediment from leaving the property; she also said she had taken some water samples in the past, and she felt that more turbidity sampling might be required in the future. Comm. Cavender felt that the Board needed more information on staff time required; the Mayor agreed, and noted that Ms. Lackey's "plate was full." Ms. Lackey then submitted a written report entitled "ETJ Staff Increase," estimating the additional hours that would be involved and indicating that additional staff might be required. She stressed the importance of enforcement and education, and of taking a proactive approach in enforcing ordinances.

Comm. Cavender asked for time to review the report and consider this matter again at the next meeting, and the Board agreed.

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

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:15 p.m.

Richard Betz, Town Clerk