

REGULAR BOARD MEETING of December 6, 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, Bill Coward, Lamar Nix, Maureen Lackey, Jerry Cook, Kim Lewicki, Tony Chambers, Hank Ross, John Schiffli Jr., Jodie Cook, Robert Nass, Gerald Pannabecker, Terry Potts, Bob Mills, Bill Rethorst, Richard Melvin, Jack Mayer, Wick Ashburn, Dr. Westbrook, Hugh Spurrill, Wendell Underwood, and 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.

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

III. Approval of Minutes.

Copies of the minutes of the November 15 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that he had attended the County Commissioners meeting of December 4 at which the two newly-elected members had been sworn in; among the items approved were a \$260,000 Parks & Recreation Trust Fund grant for the Buck Creek Ballfield. He also reported that Bill Holman had stepped down as Secretary of the Department of Environment & Natural Resources and had been appointed Chairman of the Clean Water Management Trust Fund.

2. Town Attorney Bill Coward was present and reported that the Edwards case was set for oral arguments before the N. C. Court of Appeals on January 12, 2001.

3. 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, noting that construction had begun on the Fourth Street Sewer Replacement project. Utility relocation had also begun for the Maple Street Project. The West Shore Lake Sequoyah Project was scheduled to begin on January 2.

4. 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.

5. The Town Administrator reported that Recreation Director Selwyn Chalker was still recovering from knee surgery, but had been working part-time; he would present his report next month.

6. 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. She noted that the Planning Board had recommended that the Board approve the Westbrook Plat. She also reported that the Appearance Commission had asked the Board for support in its undertaking of an urban planting study for downtown Main Street. She also presented a Trails Map which she and Appearance Commission member Hank Ross had prepared, showing all of the major trails in Town and showing their connection with Cliffside Lake and

the Bartram Trail; more points were awarded for the grant application for connecting the subject trail through the Recreation Park property with the other trails. She said that the grant deadline was January 29, and that it was an 80-20 match with credit for in-kind work.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE TRAILS MAP.

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

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

8. Town Administrator Richard Betz reminded the Board of the joint meeting scheduled with the County Commissioners for 6:00 p.m. December 13 in Franklin. He also reported that he had written a second letter to Robert Nass concerning repair of the Randall Lake Dam. Mr. Nass was present, and briefly reported to the Board that he had employed an engineer with Pinnacle Engineering to prepare plans for repair of the dam, and he was now awaiting the permitting process to be complete. He offered to provide the Town with a courtesy copy of the plans, said that he had never intentionally damaged the Town's water supply, and wanted to do what was right.

Mr. Betz also said that he had been reviewing the possibility of employing an intern from the Planning Program at Western Carolina University for a 10-week period next summer. The intern would be a part-time employee and would help with GIS updates, and also provide assistance to the Town Engineer and Town Planner. He hoped to have more information by the next meeting.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE INTERN SUBJECT TO MORE SPECIFIC DETAILS ON THE PROGRAM AT THE NEXT MEETING.

V. Old Business.

1. Each Board member had received a third draft of a proposed Ordinance Regulating the Draining of Impoundments, incorporating changes discussed at the previous meeting.

Comm. Patterson asked why the Ordinance was limited to "public water supply watersheds;" she felt that there was a need for preventing siltation in trout streams and other waterways in the County. The Board agreed by consensus to eliminate the words "public water supply."

Comm. Cavender asked if the Ordinance could be extended into the Town's extraterritorial jurisdiction; the Town Administrator said that it was adopted under the Town's general ordinance-making authority, and he understood that it could. Comm. Cavender then asked about the words "best management practices" in Section 4(C), in light of a recent DENR ruling. The Board agreed by consensus to remove the words, and also to apply the turbidity standard of 50 NTUs in Section 4(B)(2) to 4(B)(1), i.e., smaller impoundments.

The Board then discussed the two different standards for height-acreage, which the Town Administrator said came from the General Statutes; impoundments more than 15 feet in height and 10 acre-feet in volume were regulated through the Dam Inspection program. Comm. Patterson pointed out that the standard for dam safety might be different than one which would seek to minimize sedimentation. The Board discussed this issue at length, as well as the different standards for preparation of plans. Bill Coward recommended requiring engineered plans for all dams except beaver dams. Jodie Cook, President of the Upper Cullasaja Watershed Association, was present and agreed that small impoundments could release significant silt. After considerable discussion, the Board did not achieve consensus on this issue.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO TAKE THE ORDINANCE UNDER ADVISEMENT.

2. Each Board member received with the agenda package a copy of a proposed agreement between the Town and the "N. C. 106 Property Owners," drafted by the Town Attorney, and Bill Coward reviewed it in detail. The Board had also received an updated cost estimate for the project of \$407,042.50 from Bronce Pesterfield, as well as an engineering proposal.

The Town Administrator had also distributed copies of a letter from attorney Richard Melvin which he had received at 4:30 p.m. Richard Melvin was present and reviewed the letter with the Board. He said that he represented clients who had a deed to a 30-foot strip of land adjoining Mr. Guido's property, which he understood the proposed sewer line would cross; he also said that Mr. Guido's building encroached on the property, yet construction had continued. He claimed that this property went to the center of the road, according to a survey in his possession, and he was not aware of any D. O. T. right-of-way. Bill Coward said that if the D. O. T. had a right-of-way, he would feel confident that the Town could construct the sewer line within that right-of-way. He asked how much money Mr. Melvin's clients wanted, but was not given an answer; he then pointed out that the right-of-way could be condemned. The Town Administrator suggested that the letter be forwarded to the engineer. The Mayor agreed, adding that the sewer line could be placed on the other side of the road.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND CARRIED TO APPROVE THE AGREEMENT AND TO ACCEPT THE ENGINEER'S PROPOSAL. Comms. Sossomon, James, Patterson, and Sossomon voted "aye;" Comm. Sanders voted "nay."

VI. New Business.

1. Each Board member had received proposed amendments to the By-Laws of the Highlands Volunteer Fire Department, which the Town Administrator reviewed with the Board. The by-laws included a provision that applications for membership from Junior Firemen would be considered before other applications, and also changed the officers required to co-sign checks.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE AMENDED BY-LAWS.

2. MOVED BY COMM. SANDERS, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE THE ELECTION OF MIKE MCCALL AS FIRE CHIEF FOR 2001, AND TO RE-APPOINT OLAN VINSON AS ONE OF THE TOWN'S REPRESENTATIVES ON THE FIREMEN'S RELIEF FUND FOR A TWO-YEAR TERM.

3. The Town Administrator recommended Christmas Bonuses in the same amounts as last year, except for an increase to \$250.00 for employees with more than 20 years of service; only two employees would qualify for the latter.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE THE FOLLOWING CHRISTMAS BONUSES FOR FULL-TIME EMPLOYEES:

Less than one year of service.....	\$100.00
Between one year and ten years of service.....	\$150.00
More than ten years of service.....	\$200.00
More than twenty years of service.....	\$250.00

It was also agreed that part-time employees should be given hams.

4. The Town Administrator said that he had discussed renewal of the contract for maintenance of Highlands Memorial Park Cemetery with John Shearl, who had agreed to renew the contract under the

same terms as last year: \$510 per week for general maintenance, and \$16.00 per hour for additional maintenance.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO RENEW THE CONTRACT.

5. The Southwestern 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. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ADOPT THE RESOLUTION.

6. Each Board member had received a copy of a letter from the Town Administrator to Macon County Manager Sam Greenwood concerning an apparently new interpretation of the Macon County Water Supply and Wastewater Treatment Improvement Fund. The fund, established in 1990 by a Resolution and a Contract between the County and the Town, had provided \$300,000 in matching reimbursement for Town water and sewer projects for the past 10 years. According to a new reimbursement request form to be used next year, future funding would be limited to projects "benefitting residents outside the corporate limits."

Comm. James felt that the Board would need to find out why the County was changing rules in the middle of the game. Town Attorney Bill Coward said that, although parts of the resolution seemed to emphasize funding for projects outside of Town, other parts of the resolution and contract were contrary to it. Section 4(B) of the contract said, "location and extent of each project shall be the sole prerogative and obligation of Town," and Section 3(A) said that monies could be used for projects constructed within Macon County "including the portion thereof within the limits of the Town."

The Board agreed to discuss this matter further with the County Commissioners at the December 13 joint meeting.

7. Comm. Cavender said that the Parking Committee had met recently and reviewed the previous season. One Committee member, Terry Potts, had expressed a desire to address the Board. Mr. Potts was present and said that he had been present at a meeting earlier in the summer at which the Committee had discussed excluding realtors from the definition of employees, since they were independent contractors. The meeting had been reported in the newspaper, and John Schiffli Jr. was present with a copy of the article. Mr. Potts said that the recommendation had been changed at a later meeting and was not a part of the Ordinance adopted. He pointed out that his business was different from other businesses, and the nearest parking was on Spring Street.

The Mayor said that he felt the Ordinance had been very successful to date, and said that Mr. Potts's comments would be taken under consideration. He also pointed out that the Board, not the Committee, had adopted the Ordinance in its final form. Mr. Potts said he just wanted the Board to know that there had been some conflict on the Committee. He understood that Chief Cook would be ticketing his employees next year, and it was unacceptable to him as it now stood.

Bob Mills was present, and said he thought the Town had done a great job with the Ordinance. He said many of the customers in his store had told him that they could find a place to park.

8. The Board discussed a plat of property owned by Dr. Westbrook in the Sagee area. Town Planner Maureen Lackey explained that Dr. Westbrook had sold part of his large tract to Mr. Fisher and part to Mr. Tracey, adjoining property owners, and had retained the rest. She understood that the tracts sold would be recombined with the other tracts. The Planning Board had requested that the plat be sent to the Town Board for approval.

The Board discussed the plat at some length, as well as a provision in the Subdivision Regulations and State statutes that exempted "the combination or recombination of portions of previously subdivided and recorded lots." The Town Planner, Town Administrator, Town Attorney, Comm. Sossomon, and attorneys Jack Mayer and Richard Melvin had met prior to the meeting to discuss this issue. Bill Coward said that his understanding was that the plat would not be a "recombination" qualifying for such an exemption, but that it was a subdivision subject to the Town's Subdivision Regulations. Comm. James agreed. Comm. Cavender said he did not have any problem with it being considered a recombination if it was made clear on the plat that the lots being divided were being recombined.

MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, TO ACCEPT THE RECOMMENDATION OF THE PLANNING BOARD.

Comm. Sossomon said that he felt the plat might be considered a recombination or a "variation on that theme," but his problem was that there was no assurance that the property sold would be re-combined into non-severable lots. He felt that wording on the plat to that effect would not suffice.

Comm. James withdrew his motion.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SOSSOMON, TO APPROVE THE PLAT SUBJECT TO APPROPRIATE EVIDENCE THAT ALL TRACTS HAVE BEEN RECOMBINED.

Comm. Sossomon felt that the only evidence the Town could accept would be deeds of all the properties. Comm. Patterson agreed, and felt that the deeds should have been submitted "up front." The Town Attorney then suggested that the word "recombination" not appear on the plat, since it was not a classic, legal recombination; he suggested that it be replaced with the words "to be combined." He also felt that the plat ought to have the signature blocks required by the Subdivision Regulations.

Comm. Cavender agreed to accept the foregoing suggestions as part of his motion, and the motion carried unanimously.

9. Hugh Spurrill was present with a petition for re-zoning for a 0.86-acre lot on Pierson Drive, Lot 7 in Glendale Subdivision, from R-2 to B-3. He said that he wished to build a storage building on the property for his personal use; the building would be of metal construction, would measure 60' X 40' in size, and would contain no plumbing. The property was low-lying, and adjoined storage warehouses on the property to the south.

Comm. Patterson said she had no problem with the proposed use, but she had a potential problem with permanently changing the property to B-3. The Board discussed the request at some length.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO SEND THIS REQUEST TO THE PLANNING BOARD FOR RECOMMENDATION.

10. The Town Administrator reported that there were no items on the agenda of the December 20 meeting. MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO CANCEL THE MEETING.

VII. MOVED 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 9:10 p.m.

Richard Betz, Town Clerk