

REGULAR BOARD MEETING of September 17, 2008, with Mayor Don Mullen and Comms. Amy Patterson, Hank Ross, Dennis DeWolf, Larry Rogers, and John Dotson present.

Also present were Richard Betz, Bill Coward, Lamar Nix, Joe Cooley, Josh Ward, Alan Marsh, Kim and Jim Lewicki, Melody Spurney, Eric NeSmith, Bob Kieltyka, Marc Pittman, Benjamin Woods, and others.

I. Call to Order.

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

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Mayor requested the addition of a closed session to discuss acquisition of real property.

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

III. Approval of Minutes.

Copies of the minutes of the September 3 Regular Board Meeting had been distributed by mail.

MOVED BY COMM. ROSS, SECONDED BY COMM. ROGERS, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

IV. Reports.

1. The Mayor suggested scheduling a joint meeting with the Macon County Board of Commissioners and the Town of Franklin Board of Aldermen in Highlands on October 21 at 6:00 p.m.

V. Old Business. None.

VI. New Business.

1. Each Board member had received a copy of a proposal from Wilbur Smith Associates for a combined Parking Study and Unified Development Ordinance (UDO), for a total of \$100,000; the parking study had already been approved on August 20 and data collection on that component had already begun, and the funds had been budgeted. Joe Cooley explained that there might be grant funds available to partially offset the cost of the UDO. He felt that it was a good proposal and the firm was well-qualified; however, it did not include legal review of the resulting re-drafted land use ordinances. The Board discussed the streets to be included in the Parking Study; Comm. Ross felt Pine Street and Carolina Way should be included. Town Attorney Bill Coward did not express an opinion on the Parking Study, and he thought the contract looked good, but he expressed some concern over the exclusion of legal review in the proposal; he said the Town may be getting not enough and too much at the same time, and he was not sure the result would stand up in court. Mr. Cooley said that the purpose was to simplify the regulations, make them more readable, and remove contradictions; however, the cost of review by the Town Attorney was unknown. Comm. Ross said that as a Land Use Committee member, he felt comfortable with the proposal; each of the other Commissioners agreed.

MOVED BY COMM. ROSS, SECONDED BY COMM. ROGERS, AND UNANIMOUSLY CARRIED TO APPROVE THE COMBINED CONTRACT FOR A PARKING STUDY AND UNIFIED DEVELOPMENT ORDINANCE WITH WILBUR SMITH ASSOCIATES.

2. The Town Administrator had solicited informal bids on a Ford Escape or equivalent SUV for the Planning Department and a Toyota Tundra or equivalent pickup truck for the Public Services Administrator; the funds had been budgeted, and the low bids that met the specifications were as follows:

Ford Escape SUV	Franklin Ford	\$28,107
Toyota Tundra	Ralph Hayes Toyota	20,454

Comm. Patterson questioned the need for four wheel drive for the SUV; Planning Director Joe Cooley explained why it was needed.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. ROGERS, AND UNANIMOUSLY CARRIED TO

APPROVE PURCHASE OF THE VEHICLES.

3. Eric Nesmith, Publisher/Editor of The Highlander, was present to formally request moving the Town Board meeting day from Wednesday to Tuesday or Monday night; he thought Wednesdays were a hectic day in the community with churches meeting that night and felt the Board might get better participation at the meetings. The Mayor asked if the reason also included the need to get his paper out, and he replied that yes, he thought they could do a better, more informed job covering Town Board meetings. Jim Lewicki asked why the day could not be Thursday; Kim Lewicki said she thought the Highland's Newspaper should have been notified of this request; she was happy with the meeting day the way it was. After some discussion, the Board agreed to take the request under advisement.

4. Benjamin Woods was present from BCDA, LLC, d/b/a/ The Trash Company, and he submitted a written description of his proposed recycling business in Highlands. Recyclables would consist of glass, plastic, aluminum, steel, cardboard, and mixed paper, to be collected on a weekly basis at a cost of \$15/month or \$150 annually, plus a one-time fee for recyclable bins. The Town Administrator said he favored the proposal as it would make recycling easier for residents and would reduce the tonnage the Town was charged for landfill tipping fees. He pointed out that Mr. Woods was not seeking permission; his operation was not prohibited, and required only obtaining a business license.

5. Bob Kieltyka and Marc Pittman were present from the Chamber of Commerce and reported that the Car Show on September 13 had been a success, with over \$3,000 raised for Hudson Library; next year's show was scheduled for September 12, 2009.

6. MOVED BY COMM. DOTSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. '143-318.11(A)(5) TO ESTABLISH AND INSTRUCT THE TOWN ATTORNEY CONCERNING THE POSITION TO BE TAKEN IN NEGOTIATING THE PRICE FOR THE ACQUISITION OF REAL PROPERTY. All present left the room except the Town Attorney, the Town Administrator, and the Planning Director.

The Board instructed the Town Attorney on negotiating the price for acquisition of real property.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. ROGERS, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. The room was opened to the public and Eric NeSmith returned.

The Town Administrator explained that he had neglected to place another closed session on the agenda – consultation with the Town Attorney on a legal matter - because he did not realize the Town Attorney was going to be present.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. ROGERS, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. '143-318.11(A)(3) TO CONSULT WITH THE TOWN ATTORNEY ON A ZONING VIOLATION. Mr. NeSmith left the room.

The Board consulted with the Town Attorney on a zoning violation.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. The room was again opened to the public.

VII. MOVED BY COMM. ROGERS AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared by the Mayor to be adjourned at 8:45 p.m.

Richard Betz, Town Cl