

REGULAR BOARD MEETING of August 21, 1996, with Mayor John Cleaveland and Commissioners H. N. James, Mike McCall, Ron Sanders, and Zeke Sossomon present.

Also present were Richard Betz, Lamar Nix, Selwyn Chalker, Tinker Poteet, Dr. Gerson Perry, Georgia Allen, Jim Sparks, Mary Sabbarth, Joey and Lisa Tucci-Caselli, Robert Isham, Ibbby Kenna, Derek Taylor, Bill Coward, Doug Wilson, Bill Hogue, and Ran, Margaret, Tom, and Jack Shaffner.

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

II. The minutes of the August 7 Regular Board Meeting had been distributed by mail.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

III. Reports.

1. The Mayor reminded the Board of the upcoming August 28 joint meeting with the Planning Board to discuss the Planning Study.

2. The Mayor reported that Highlands Country Club had invited the Board of Commissioners and other Town staff to dinner on September 13 at 6:30 p.m.

3. Tinker Poteet was present representing W. K. Dickson Company, the Town's consulting engineers. He said that the Little Bearpen Water Tank project was underway, and he recommended asking the residents in the area to help select a color, subject to Board approval; the Board agreed. He also reported that the Water Treatment Plant should be on line by the end of September or the first two weeks in October.

4. Public Works Director Lamar Nix reported on routine maintenance in the public works departments. He reported that the 7-day average flow for the Water Treatment Plant was 631,000 GPD, and the 7-day average flow for the Wastewater Treatment Plant was 229,000 GPD.

The Mayor asked about the status of Junior Ramey's application for disability retirement; he felt that the Town should begin to advertize for an employee in the Electric Department to replace him, and the Board agreed.

5. Recreation Director Selwyn Chalker reported that he had met with Eddie Redmon concerning construction on the pool, and had been told that it might be completed by this coming weekend. He pointed out that it would be a very nice facility when completed, and reminded the Board that it had been constructed at no cost to the Town. Mr. Chalker also requested permission to purchase, as recommended by the Ad Hoc Recreation Steering Committee, two ping-pong tables and one foos-ball table, at an approximate price of \$1500, to be used three days a week in the afternoons; he was investigating the possibility of some tutoring on the other days. Finally, he reported that some of the tennis players had obtained a price of \$20,000 from Rhodes Brothers Paving to resurface the old tennis courts; he estimated that an additional \$6,000 to \$7,000 would be required for new posts, surface treatment, and fencing. The tennis players felt they could raise \$5,000 toward the cost. The Board took this information under advisement.

MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE PURCHASE OF TWO PING-PONG TABLES AND ONE FOOS-BALL TABLE.

IV. Old Business.

1. The Clerk reported that he had discussed the status of the reclassification of Lake Sequoyah to a Class I reservoir with Harold

Saylor of the State's Public Water Supply Section. Mr. Saylor had indicated that his Section would conduct a lake study this fall, and the Water Quality Section would conduct a watershed study as well. The Town had adopted a Lake Ordinance on November 15, 1995, and agreed that it would become effective upon reclassification of the lake.

Bill Hogue was present; he pointed out that the Lake Sequoyah Improvement Association had requested some regulations for the lake three years ago, and they had been included as part of the reclassification effort because that had seemed reasonable. Now the reservoir status seemed to have priority over the lake regulations; he wanted the Town to be able to enforce boating regulations, and said that the lake's reservoir status did not make any difference to the residents around the lake.

The Mayor asked if there had been any problems recently. Mr. Hogue said that there had been problems, but they were rare. He pointed out that there had been some near accidents due to the putting in of boats at the site near the dam on US-64.

Comm. Sanders said he was opposed to closing that site. Comm. James agreed; he felt perhaps the site should be improved.

The Mayor wondered if boating regulations could be separated from the other requirements of the Lake Ordinance; he asked the Clerk to prepare such an ordinance for the Board to consider at the next meeting.

2. The Clerk reported that he had discussed the proposed amendment of the Police Policy and Procedures Manual dealing with secondary or off-duty employment with the Police Chief, and he felt he could administer it.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE AMENDMENT OF THE POLICE POLICY AND PROCEDURES MANUAL FOR SECONDARY OR OFF-DUTY EMPLOYMENT.

3. The Clerk reported that Town Planner Shannon Baldwin had located a person who would remove junk cars at no cost to the Town. Mr. Baldwin proposed conducting another survey of junk vehicles, and then proceeding with the towing program suggested at the previous two meetings, which would provide for a 30-day grace period during which property owners could have junk vehicle removed; after the grace period expired, the Ordinance would be enforced. The Board agreed for Mr. Baldwin to proceed with the program.

4. Lamar Nix reported that he had conducted a survey of the proposed Hickory Street sewer line, as requested at the previous meeting, and had obtained a price from Stillwell Construction of \$24,785 for installing this line. He had determined that there was little rock, but estimated that the additional cost for stone bedding in wet areas would be \$1300.

The Mayor said that he had not been present at the previous meeting, but he had read the minutes. He felt that the Town already had a policy for extending sewer service: an individual or a subdivider could pay the entire cost, or the cost could be shared through the assessment procedure on a 25%/75% basis provided more than 50% of the residents in a neighborhood petitioned the Board. He felt that others in this area might be willing to share the cost or join in such a petition, and said that Tom Clark at 4½ Street Inn had told him he was interested. Comm. James also suggested that the neighbors be polled.

Margaret Shaffner summarized for the Mayor the discussion at the previous meeting, and reiterated her offer to contribute \$7000 toward the project.

Comm. McCall had asked Mr. Nix if the Town could install the line using its own forces; Mr. Nix had told him it could.

Comm. Sanders felt that if the Town did the work, it should be reimbursed for the cost of labor and materials. He also requested that if the Town approved this request, it reimburse the cost of sewer assessments to Pinecrest Subdivision residents.

Ms. Shaffner reiterated her statement at the last meeting that, under current policy, users cannot afford to connect to the sewer. She said that limited access to the sewer helped fuel growth in that outside money would get onto the sewer, but local people who live here cannot afford it. She felt that the Town needed a plan to connect people to the sewer. She offered to go back in the neighborhood and ask others if they were interested, but asked if Mr. Nix could help identify the limits of the collection area.

Ran Shaffner asked if the bonds approved in the 1990 referendum could be used to fund sewer collection system expansion.

The Mayor pointed out that those bonds would still have to be paid for in the future. He said that the Board had made the decision at the time to construct the wastewater treatment plant without going into debt, partly by using funds under an agreement with Macon County. He would not want to raise taxes to pay off sewer bonds.

MOVED BY COMM. SANDERS, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED THAT IF A PETITION FROM 50% OF THE PROPERTY OWNERS IN THIS AREA IS PRESENTED REQUESTING AN EXTENSION OF THE SEWER COLLECTION SYSTEM IN ACCORDANCE WITH EXISTING POLICY UNDER THE 25%/75% ASSESSMENT PROCEDURE, THE BOARD WILL APPROVE THE REQUEST.

#### V. New Business.

1. Lamar Nix reported that bids on the 1996 Sewerline Rehabilitation Project had been received on a second invitation, and the low bidder was Kenneth R. Greene at \$62,450. The low bidder had asked for additional time to begin work, however, and in the meantime Mr. Nix recommended obtaining a price on replacing the sewer line, rather than slip-lining it. The Board agreed to defer awarding the bid pending obtaining additional prices as recommended.

2. A letter dated August 15 had been received from Fred Hovey, President of the Shelby Place Association, signed by Mr. Hovey and ten other residents of the subdivision, complaining about the noise from the operation of a loud chain saw used for wood carving at Munger Creek Art on NC-106.

Robert Isham, the wood carver in question, was present. He said that he operated the saw only 12 to 15 hours per week, and in conjunction with other tools; although he was unaware of any ordinance prohibiting using the saw, he had voluntarily agreed not to operate it before 10:00 a.m. or after 5:00 p.m. He said that he could not operate the saw in an enclosed building due to the fumes. He offered to meet with the residents and discuss a compromise.

The Mayor agreed to ask Mr. Hovey to call Mr. Isham and set up a meeting for that purpose.

3. Dr. Gerson Perry was present with a petition for rezoning his property on US-64 adjacent to the Highlands Seafood and Smokehouse Restaurant. He said that he had purchased this lot as commercial property, perhaps as a site to open a practice, but he had retired and did not intend to open an office. The property had been re-zoned to residential as part of the 1990 Land Use Plan, then re-zoned again to B-4 commercial. He wanted to use it to construct up-scale storage units, or perhaps a discount golf and tennis shop. The adjacent restaurant property was zoned B-3, and the noise and smell limited the use he could make of his property; he felt it would not be an instance of spot zoning.

The Mayor informed Dr. Perry that the Board had received several

requests for re-zoning, but was in the process of updating its Land Use Plan; that update would concentrate specifically on the commercial areas of Town. Until the Land Use Plan update had been completed, he did not feel it would be fair to consider the petition.

The Board agreed to defer action on the petition, but to recommend to the Planning Board that it be considered as part of the Land Use Plan update.

The Clerk pointed out that a gift shop would be permitted in the B-4 district, provided it did not exceed 2000 SF in area.

4. Mary Sabbarth was present to request re-admission of her daughter, Lisa Sabbarth Tucci-Caselli, and her son-in-law, Joey, to the Recreation Park. She said they had been suspended "indefinitely" on September 28, 1995; however, neither of them had any previous offenses at the Recreation Park, and the simple assault charges brought against them at the time had been dismissed in Macon County. She said that the Park's Discipline Policy only provided for a two-week suspension.

The Board agreed to discuss this matter in Closed Session with the Town Attorney.

5. MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO DISCUSS LEGAL MATTERS AND PERSONNEL MATTERS.

A. The Board discussed Mary Sabbarth's request with the Town Attorney, and agreed to re-admit Lisa and Joey Tucci-Caselli to the Recreation Park. The Clerk reported that he was drafting a revised Discipline Policy in consultation with the Town Attorney, an attorney at the League of Municipalities, and the Recreation Director; he would submit it to the Board for consideration at the next meeting.

B. The Board discussed at some length the Allison Outdoor Advertising litigation with the Town Attorney and with Doug Wilson, an attorney from the firm of McGuire, Wood, & Bisette in Asheville.

C. The Clerk reported that the Police Chief had received a letter of resignation from Police Officer David Finn. The Police Chief had reported that he would be using auxiliary police for the present.

D. The Town Attorney briefed the Board on a Motion for Summary Judgement he was preparing in the Dillingham case.

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

6. The Board discussed the Wastewater Treatment Plant and Town policy on the extension of sewer service. Comm. James felt that the Town should develop a more specific plan for extending the collection system.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED THAT THE UTILITIES COMMITTEE DISCUSS SEWER EXTENSION POLICY AND RELATED MATTERS THIS FALL.

The Board also agreed to meet with officials from the Division of Environment, Health, and Natural Resources.

VI. Meeting was adjourned by consensus at 9:45 p.m.

---

Richard Betz, Town Clerk