

PUBLIC HEARING and REGULAR BOARD MEETING of March 6, 1996, with Mayor John Cleaveland and Commissioners H. N. James, Mike McCall, Ron Sanders, Donnie Calloway, and Zeke Sossomon present.

Also present were Richard Betz, Lamar Nix, Tinker Poteet, Selwyn Chalker, Jerry Cook, Ray Vito, and Joan Martin.

A. Public Hearing.

Mayor Cleaveland called the Public Hearing to order at 6:45 p.m., and stated that the purpose of the hearing was to receive comments on a petition for annexation received from Raymond P. Vito and Joan A. Martin for a 4.2-acre tract north of Sequoyah Ridge Road and Laurel Ridge Road contiguous to the corporate limits. The Clerk had reported at the February 7 meeting that he had investigated the petition in accordance with G. S. §160A-31(c), and it was sufficient.

A public notice had appeared in The Highlander on February 20 in accordance with the Statute.

There were no comments from the public.

Comm. Calloway asked about the Town's policy on annexations; he remembered the Board denying a petition for annexation from Mike Cavender several years ago in the same area, and he felt it was important for the Town to have a consistent policy.

The Mayor pointed out that the Town's water supply situation had changed since the Cavender petition had been denied; he also said he felt the added tax base was an important consideration, and that each petition should be decided on its own merits.

Comm. James said he had not been on the Board when the Cavender petition was denied, but he did not remember any other petitions being denied in the past several years.

The Mayor closed the public hearing.

B. Regular Board Meeting.

In addition to those present for the Public Hearing, the following had arrived: Frank and Jan Ferree, Tony Chambers, Alan Marsh, and Luke Osteen.

I. Mayor Cleaveland called the Regular Board Meeting to order at 7:00 p.m.

II. The minutes of the February 21 Regular Board Meeting had been distributed by mail.

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

III. Reports.

1. The Mayor reported that he had contacted D.O.T. District Engineer Joel Setzer and Highway Commissioner Marvin Raper concerning the possibility of constructing sidewalks along NC-106 in conjunction with the NC-106/US-64 Intersection Project, which had begun last week. He had been told that the D.O.T. had funds for sidewalks, but did not have funds for the cost of between \$8,000 and \$10,000 in rock removal; it would agree to install the sidewalks if the Town would agree to remove the rock. He had asked the Clerk to prepare a resolution accordingly, as required by the D.O.T., limiting the Town's participation to \$10,000. The Mayor offered to contact property owners in the area which would benefit from the sidewalk and request their participation in the project. He also offered to contact the Town's legislator and see if there were any additional State funds available.

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

CARRIED TO ADOPT THE FOLLOWING RESOLUTION:

RESOLUTION AGREEING TO PARTICIPATE
IN A NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
HIGHWAY PROJECT IN HIGHLANDS

WHEREAS, the North Carolina Department of Transportation has undertaken a project in Highlands, North Carolina, consisting of the improvement of a highway intersection at US-64 and NC-106 and the widening of NC-106, and commenced such project on or about February 27, 1996; and,

WHEREAS, the Town of Highlands understands that Department of Transportation funds appropriated for this project do not include the necessary removal of rock along NC-106 in order to provide for the installation of a pedestrian sidewalk along the margin of the road, at an estimated cost of between \$8000 and \$10,000, although said appropriated funds would include the cost of the installation of such a sidewalk; and

WHEREAS, the Board of Commissioners of the Town of Highlands recognizes that it would be in the best interests of the public health and safety to install such a sidewalk, and in fact has sufficient funds available in its FY 1995-96 budget to cover the cost of necessary removal of rock along NC-106.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Town of Highlands hereby agrees to fund from its FY 1995-96 budget the cost of necessary removal of rock along NC-106, not to exceed \$10,000, provided the North Carolina Department of Transportation installs a pedestrian sidewalk along said road.

This resolution is adopted this 6th day of March, 1996.

The Town of Highlands

John W. Cleaveland, Mayor

(TOWN SEAL)

ATTEST:

Richard Betz, Town Clerk

2. The Mayor also reported that he understood Haywood, Jackson, and Macon County were all considering imposing an additional 1% "transfer fee" on real estate sales in the county; the tax was current 2%. He said that personally he was opposed to the notion of a transfer fee. He pointed out that there was approximately \$150 million in real estate sales in Macon County each year, and he estimated that over two thirds of that came from the Highlands area; most of the burden of the tax would thus be carried by Highlands area residents.

3. The Mayor reported that he understood from County officials that the construction work at the Wilson Gap transfer station would be completed on March 18. He felt the Town was entitled to some reimbursement for the increased cost of hauling trash to the landfill west of Franklin, and the Board authorized him to contact the County and request adequate reimbursement.

4. Tinker Poteet was present representing W. K. Dickson Company,

the Town's engineering firm. He reported that the sludge drying beds at the Wastewater Treatment Plant had been placed on line and appeared to be operating well. He also reported that construction was continuing at the Water Treatment Plant, although it had been slowed by bad weather this winter, amounting to 46 bad weather days at last count.

5. Public Works Director Lamar Nix, P.E., reported on routine maintenance in the Street, Electric, and Water departments. In addition, the Water Department had been removing restrictions in water lines and performing other work near the US-64/NC-106 intersection. Trimming in the Highlands Country Club area by the Trimming Crew was 75%-80% complete. He reported that he was still receiving bids on the fencing at the Town Warehouse and on the manhole cleaning and TV work in the sewer system, but should be able to report to the Board by the next meeting. He said he had investigated the Town acquiring a Bobcat, as requested at the last meeting, but did not recommend purchasing this piece of equipment; the cost of \$25,000-\$30,000 was not justified by the small amount of snow removal on Town sidewalks each year, which could be contracted. Similarly, he did not feel that the \$30,000-\$37,000 cost of a mini-excavator to help excavate graves at the Cemetery could be justified. He also reported that the gas monitor, the purchase of which the Board had authorized at the previous meeting, had been received. The pump at the Water Treatment Plant had been repaired and installed again, and was operating well. He also reported that he and personnel from the Water and Sewer plants would be attending a demonstration of the new Water Plant computer software in Charlotte on March 18.

The Mayor informed the Board that Mr. Nix had obtained his Professional Engineer certificate in North Carolina, and the Board congratulated him.

Comm. Calloway reported that he had discussed with Mr. Nix the installation of 4-way stop signs at the intersection of Spring and Third Streets, and also at Fifth and Chestnut Streets; an accident had occurred last week at the former intersection, and it was the recommendation of the Street Committee to install the signs. The Mayor reminded the Board that the Spring and Third intersection had been the site of several bad accidents over the years, and said he would like to try a 4-way stop sign. Comm. James expressed some reservations about the ability of such signs to prevent accidents at the intersection.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO INSTALL 4-WAY STOP SIGNS AT THE INTERSECTION OF THIRD STREET AND SPRING STREET, TOGETHER WITH "STOP SIGN AHEAD" SIGNS, AND ALSO TO REQUEST THE NORTH CAROLINA D.O.T. TO INSTALL 4-WAY STOP SIGNS AT THE INTERSECTION OF FIFTH STREET AND CHESTNUT STREET.

6. Police Chief Jerry Cook gave an oral report on Police Department activities for the month of February. The new patrol car had arrived and was operating well.

Comm. James, referring to speeding on Spring Street, said he felt the Town should perhaps consider the use of radar. Chief Cook reported that he was looking into the possibility of using a radar display warning device, which would alert passing motorists of their speed.

7. Recreation Director Selwyn Chalker was present, and asked to discuss some personnel matters in closed session at the end of the meeting. He submitted a list of Summer Playground Staff and Pool Staff for Board approval. Summer Playground Staff consisted of Sara Lindsay, Macy Fretwell, Josh Smith, Jarett Calloway, Marissa Bryson, April Burrell, and Jessica Fretwell. The Pool Staff consisted of Robin Armstrong, Tish Lindsay, Traci Russell, Marritt Rice, and Sky Walsh.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE FOREGOING PART-TIME EMPLOYEES IN THE

RECREATION DEPARTMENT FOR THE SUMMER.

Mr. Chalker also provided a copy of the Recreation Park's current tennis court reservation policy and fees. He said he had called several area departments, and none of them were charging for tennis.

Comm. James pointed out that the Recreation Park used to make \$3000-\$4000 per season, and wondered why it had only made \$224 so far this year. Mr. Chalker speculated that the Park could be experiencing a drop in attendance due to attrition of older players, poor condition of the courts, and other courts in the area. He agreed to see if all of the membership fees were being properly accounted for as Tennis Income receipts. The Board agreed not to increase tennis fees at this time.

Mr. Chalker had also obtained additional bids on the carpet for the weight room and the stalls in the restrooms, as discussed at the previous meeting. The Board to accept the low bid of \$861 from Highlands Furniture for the carpet. The Board agreed for additional bids to be obtained on the restroom stalls. The Board also authorized \$1200 to Burrett Line Company for surface treatment of the Ball Field in order to improve drainage.

8. The Clerk distributed copies of the Zoning Administrator's written report for the month of February.

MOVED BY COMM. JAMES, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO ACCEPT THE ZONING ADMINISTRATOR'S REPORT.

9. Each Board member received copies of the Treasurer's Report for the month of February.

MOVED BY COMM. JAMES SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE TREASURER'S REPORT AND THE ACCOUNTS PAYABLE FOR THE MONTH.

10. The Clerk reported that the UNC Center for Public TV had located a small antenna on Northland Cable TV's property on Big Bearpen Mountain.

He also reported that he had further discussed the General Statute on street assessments with a League of Municipalities attorney regarding the Town's ability to assess those lots in Satulah Ridge which did not directly abut the proposed street improvements, as discussed at the previous meeting. He had been told that property abutting the improvements could be assessed on the basis of frontage or lot, but that property not abutting the improvements could only be assessed on a "value added" basis, which would require before-and-after property appraisals. The Board agreed by consensus to notify the property owners that they should raise the necessary funds themselves if they wished this road improved, rather than to proceed with street assessments.

The Mayor reported that he had received a letter from architect Dennis DeWolf, indicating that he was working on a plan for the paving of Carolina Way, and also sidewalk, trees, and street lamp improvements in the area.

IV. Old Business.

1. Comms. Calloway and Sanders had been provided copies of the Third Draft of the Sewer Connection Policy and a memo from the Clerk dated January 30, as discussed at the previous meeting. The Board briefly discussed the Clerk's suggested proposal concerning public pressure service pumps serving multiple connections, which would require ownership and maintenance by a property owner's association but give the Board the discretionary authority to own and maintain them when it determined it was in the public interest to do so. Included with the Policy was a copy of the Building Sewer Construction Standards. Amendment of the Fee Schedule to provide for sewer connection fees outside the Corporate Limits at 200% of the

corresponding connection fee inside was also discussed.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ADOPT THE SEWER CONNECTION POLICY AS PROPOSED, THE BUILDING SEWER CONSTRUCTION STANDARDS, AND THE AMENDMENT OF THE FEE SCHEDULE AS FOLLOWS:

"Under Utilities - Sewer & Garbage, Sewer Connection Fees, add the following:

Sewer Connection Fees for property outside the Corporate Limits of the Town shall be 200% of the corresponding connection fee inside the Corporate Limits."

2. The Clerk reported that the Planning Board had recommended adoption of the proposed amendment of the Zoning Ordinance re: enforcement authority and the proposed amendment re: real estate signs at their February meeting.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING FOR 6:30 P.M. ON APRIL 17 TO RECEIVE COMMENTS ON THE PROPOSED AMENDMENTS.

3. Each Board member had received a copy of a letter from Victor Lofquist of W. K. Dickson Company outlining several proposed cost reductions which the low bidder, Stillwell Enterprises, had offered on the water/sewer project bids awarded at the previous meeting. The cost reductions would consist of reducing the depth of cover from 42" to 36", changing ductile iron pipe from Class 51 to Class 350 psi, and removing compaction testing from the contract. Tinker Poteet was present, and stated that compaction testing would be done on an as-needed basis, and he felt it would cut the cost in half. The total savings would amount to \$37,517.50. The letter also reiterated Stillwell's proposal, as reported at the previous meeting, to extend the bid acceptance period for Project #2 through July 31, 1996, for an additional cost of \$11,000.

MOVED BY COMM. JAMES, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO AMEND THE CONTRACT AS RECOMMENDED BY THE ENGINEER.

V. New Business.

1. The Board considered a petition for annexation received from Raymond P. Vito and Joan A. Martin for a 4.2-acre tract north of Sequoyah Ridge Road and Laurel Ridge Road contiguous to the corporate limits, subject of a public hearing immediately preceding this meeting. The zoning would be R-2 residential, and the watershed overlay district would be WS-II-CA.

MOVED BY COMM. SANDERS, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING ANNEXATION RESOLUTION, EFFECTIVE IMMEDIATELY:

WHEREAS, the Town of Highlands received a petition from Raymond P. Vito and Joan A. Martin, owners of real property as described in petition for annexation dated December 6, 1995, and as recorded by the Macon County Register of Deeds, Book W-19, pages 1721-1722, and containing 4.2 acres, as surveyed by L. Stephen Foster, RLS, according to a survey dated October 14, 1992, Drawing No. F59-72 as recorded on Card No. 1356, and said property being contiguous to the existing corporate limits of the Town of Highlands, and asking that the property be annexed and incorporated within the Town limits from and after March 6, 1996; and,

WHEREAS, the Town Clerk certified to the Board of Commissioners that he determined that the form of the petition was sufficient, that the property is contiguous

to the Town of Highlands, and that, to the best of his information and belief, Petitioners are the sole owners of the property; and,

WHEREAS, notice of a public hearing was published in The Highlander newspaper February 20, 1996, which publication was more than ten days prior to the date of the public hearing; and

WHEREAS, a public hearing was held on March 6, 1996, at 6:45 p.m. in the Conference Room of the Town Hall on North Fourth Street in Highlands, North Carolina, and at the hearing, all persons owning property in the area to be annexed who might allege an error in the petition were given an opportunity to be heard, and no errors were alleged, and other residents of the municipality who favored or questioned the necessity for the annexation were also given the opportunity to be heard, and no adverse comments were made; and

WHEREAS, the Board of Commissioners of the Town of Highlands determined that the petition meets the requirements of Section 160A-31, North Carolina General Statutes.

NOW, THEREFORE, BE IT ORDAINED that, effective March 6, 1996, the real property described in petition for annexation dated December 6, 1995, and as recorded by the Macon County Register of Deeds, Book W-19, pages 1721-1722, and containing 4.2 acres, as surveyed by L. Stephen Foster, RLS, according to a survey dated October 14, 1992, Drawing No. F59-72 as recorded on Card No. 1356, be annexed to the Town of Highlands and thereafter be subject to all of the debts, laws, ordinances, and regulations in force within the Town of Highlands, and be entitled to the same privileges and benefits as other parts of the municipality.

This ordinance is adopted this 6th day of March, 1996.

The Town of Highlands

John W. Cleaveland, Mayor

(TOWN SEAL)

ATTEST:

Richard Betz, Town Clerk

2. The Planning Board had approved both preliminary and final subdivision plats for Lot 12A, Brushy Face South, at their February meeting. Utilities had already been installed several years ago.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO APPROVE THE PRELIMINARY AND FINAL SUBDIVISION PLATS FOR LOT 12A, BRUSHY FACE SOUTH, AS RECOMMENDED BY THE PLANNING BOARD.

3. The Clerk reported that he had received a request from Debbie Mercer to be placed on the agenda; she had requested permission to discuss amending the Highlands Code's prohibition of horse-drawn carriages on a regular basis.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED NOT TO AMEND THIS SECTION OF THE HIGHLANDS CODE.

4. Informal bids had been solicited on the purchase of different grades of stone and on river sand. The following sealed bids had been received, and were opened:

- LBM Industries Inc.
- Bryson's Grading and Trucking Inc.
- Welch's Hauling Inc.

LBM Industries Inc. was the apparent low bidder on 3 of the 4 bid items; Bryson's Grading was the apparent low bidder on washed sand.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ACCEPT THE LOW BID, SUBJECT TO REVIEW BY THE CLERK AND THE PUBLIC WORKS DIRECTOR.

5. The Clerk reported that the Planning Board had requested a joint meeting with the Town Board on April 22 to discuss update of the Land Use Plan. Division of Community Assistance planner Geoffrey Willett would be present to outline the process. The Board agreed to meet with the Planning Board as requested.

6. A proposal had been received from Paco Concrete Construction Company for a new concrete sidewalk along Fifth Street in front of the old Post Office Building for \$3205, and a brick sidewalk along the west side of South Fourth Street for \$20,312.50; property owners in both areas had agreed to participate on a 50/50 basis.

Comm. McCall pointed out that the sidewalk along Fifth Street would not be of much benefit to the public; the Board agreed not to proceed with this portion of the proposal, but to possibly reconsider it in the future if this building is leased.

The Clerk also reported that he and the Public Works Director had discussed the need for a construction survey of Spring Street from Fourth to First Street in order to eventually plan for parking and sidewalks along this street.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO ACCEPT THE PROPOSAL FROM PACO CONCRETE FOR THE BRICK SIDEWALK ALONG THE WEST SIDE OF SOUTH FOURTH STREET FOR \$20,312.50, ON A 50/50 BASIS WITH THE PROPERTY OWNERS FRONTING ON THE SIDEWALK, AND TO AUTHORIZE A CONSTRUCTION SURVEY OF SPRING STREET BETWEEN FOURTH AND FIRST STREETS.

The Board also agreed to proceed with closing the easternmost driveway of the Betty Couch property on Oak Street, complete a retaining wall, and install diagonal parking along this street, as agreed on August 2, 1995.

7. The Board agreed to advertize for bids on the sale of a Town garbage truck which was no longer operational.

The Clerk agreed to meet with Police Chief Jerry Cook and obtain the necessary titles to permit sale of several junk cars parked at the Town warehouse.

8. MOVED BY COMM. MCCALL, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO DISCUSS PERSONNEL AND LEGAL MATTERS:

- A. Selwyn Chalker discussed with the Board Lester Norris, Mildred Ramey, Jonathan McCall, and the possibility of a part-time position at the Recreation Park to assist with mowing.
- B. Lamar Nix informed the Board that the State would require

an "A" operator for the new Water Plant; the Town's options were to employ an "A" operator, contract for an "A" operator, or apply for an 18-month variance if Wade Wilson obtained his "B" certificate. Mr. Wilson had just taken the required test, but the results would not be known until mid-April. The Board agreed to apply for a variance if Mr. Wilson obtained his "B" certificate, and if not, to obtain proposals or applications for an "A" operator.

- C. The Board discussed at some length with Town Attorneys Orville Coward Jr. and William Coward the Allison Outdoor Advertising case and the Town's various options. It was reported that an order had been signed by the Clerk of Court attaching \$85,000 in Town assets at Centura Bank. After considerable discussion, the Board agreed to adjourn and to reconvene at the call of the Mayor, to further discuss this case with the Town attorneys in closed session.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION.

9. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ADJOURN AND TO RECONVENE AT THE CALL OF THE MAYOR TO FURTHER DISCUSS LEGAL MATTERS IN CLOSED SESSION.

Meeting was adjourned at approximately 10:00 p.m.

Richard Betz, Town Clerk