

REGULAR BOARD MEETING of April 3, 1996, with Mayor John Cleaveland and Commissioners H. N. James, Mike McCall, Ron Sanders, Donnie Calloway, and Zeke Sossomon present.

Also present were Connie Sparacino, Lamar Nix, Selwyn Chalker, Tinker Poteet, Alan Marsh, Ralph Morris, Bill Coward, and Rick Rodenbeck.

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

II. The minutes of the March 20 Regular Board Meeting had been distributed by mail. Comm. Sanders inquired about the phrase on page 94, "160 new parking spaces would be added," in referring to the new Performing Arts Center. The Clerk had already noted the error, which should have read "160 parking spaces would be available."

MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE FOREGOING MINUTES WITH THE CORRECTION NOTED ABOVE.

III. Reports.

1. The Mayor reported that \$83,000, a portion of a \$500,000 Certificate of Deposit invested by the Town at Centura Bank in the Water Fund, had been attached as the judgement against the Town last year in the Allison Outdoor Advertising case. He also reported that the Town Attorneys had recommended employing the law firm of McGuire, Wood, and Biset in Asheville to handle the appeal in that case.

The Mayor also reported that he and the Clerk had written a letter to Highway Commissioner Marvin Raper concerning US-64. He was concerned that the Town had thus far received only negative replies from the D. O. T. Mr. Raper had asked to Town to prepare a letter identifying traffic accidents on the highway in the last two years, and had offered to take it to Raleigh to see if he could find someone a little more sympathetic to the needs of the Town. There had been 17 accidents in 1995 involving trucks, and 8 to 10 accidents reports this year. The Mayor reported that the Franklin Press had written an editorial in support of efforts to improve the road, and he felt some additional publicity would be helpful. He said that the Town would not give up on this problem.

The Mayor asked the Board if they would consider proclaiming May 23 a National Day of Prayer, as it had in previous years. He said the event was non-denominational, and everyone in the community was invited to come. Ralph Morris, who was present at the meeting, offered to advertise the Day of Prayer in The Highlander.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING RESOLUTION:

**RESOLUTION PROCLAIMING
NATIONAL DAY OF PRAYER IN HIGHLANDS**

WHEREAS, the history of our Nation is indelibly marked with the role that prayer has played in the lives of individual Americans, and indeed the United States as a whole; and

WHEREAS, our greatest leaders have always turned to prayer in times of crisis; and

WHEREAS, we acknowledge that prayer is a deeply personal experience—the way in which it finds expression depends on our individual dispositions as well as on our religious convictions; and

WHEREAS, the virtues of prayer have a common bond—our hope and aspirations, our sorrows and fears,

our deepest remorse and renewed resolve, our thanks and joyful praise, and most importantly our love—all turned toward God; and

WHEREAS, I join with our President and the Governors of our United States and invite all citizens of the Town of Highlands to join me in earnest prayer for our Nation, our State, and our Town.

NOW, THEREFORE, I, John W. Cleaveland, Mayor of the Town of Highlands, do hereby declare Thursday, May 23, 1996, as

NATIONAL DAY OF PRAYER

in the Town of Highlands, North Carolina, and encourage my fellow citizens to join in prayer, asking that God's light may illuminate the minds and hearts of our people and our leaders, so that we may meet the challenges that lie before us with courage and wisdom and justice.

The Mayor discussed with the Board the need for lighting at the Highlands Conference Center, and the Board agreed for Mr. Nix to review the feasibility and estimated cost. The Board also agreed for Mr. Nix to estimate the cost of paving the parking lot at the Conference Center, and to consider this with other paving needs later this month.

2. Tinker Poteet was present representing W. K. Dickson Company, the Town's engineering firm. The Mayor asked when the Water Plant Project would be completed. Mr. Poteet said test water should be running through the plant in June, and the plant should go on line in July; another month of work would remain to be done after the plant went on line, with final completion scheduled for sometime in August. It was also reported that a pre-construction conference had been scheduled with Stilwell Construction for April 10 at 3:00 p.m. for the FY 95-96 water and sewer system improvements, and work was expected to begin on those projects in approximately two weeks.

3. Public Works Director Lamar Nix reported on routine maintenance in the public works departments. He also reported that Wade Wilson had obtained his "B" Operators License; this would give the Town the option of obtaining a variance from the State for operation of the Water Treatment Plant, permitting Mr. Wilson to obtain his "A" Operators License within the next year, which Mr. Nix recommended. The Board agreed for Mr. Nix to pursue obtaining the variance.

Mr. Nix also reported that he was awaiting confirmation from some of the property owners along South Fourth Street for their participation in the brick sidewalk project. He had learned that Paco Construction had obtained the subcontract from the State for the sidewalk, curb, and gutters at the US-64/NC-106 intersection project, and wanted to coordinate the brick sidewalk work with this project. He understood that Rhodes Paving had obtained the subcontract on the paving, and would start the first of May, which would give him time to complete the preliminary work.

Mayor Cleaveland asked Mr. Nix who was responsible for the trees that overhang NC-106 in this location. Mr. Nix replied that it is the property owners' responsibility, but it would be to the Town's advantage to remove them; several small limbs needed to be removed anyway.

Mr. Nix also reported that he had received an estimate from Paco Construction on the extension of a retaining wall behind James Tate's property on Oak Street past Betty Couch's driveway, and tying it back into the shoulder. He pointed out that the estimate was very

high, and the Town would only gain one or two additional parking spaces. The Board agreed to reconsider this project, and asked Mr. Nix to obtain more estimates and try to come up with a less costly plan.

Mr. Nix presented the board with a copy of the new "Town of Highlands Alcohol and Drug Policy." He said that the Federal Transportation Board was requiring employers with CDL drivers to have this policy in effect as of January 1996, and it must be implemented this year.

He said he had been working with the Police Department to have the alcohol testing done, and with Dr. Baumrucker to have the drug testing done. The Board agreed to review the policy at the next meeting.

Mr. Nix reported that the First Presbyterian Church Day Care Center had asked if the Town would consider marking 10 to 12 parking spaces on the Town's right-of-way along Fifth Street, and designate two of them 15 minute for loading and unloading.

The Board agreed to mark the spaces.

4. Recreation Director Selwyn Chalker reported that he had advertised for an employee to do the mowing and other odd jobs this summer at the Recreation Park, and had received only one application from Neville Wilson. The Board agreed to employ Mr. Wilson on a part-time basis at an hourly wage of \$7.00.

Mr. Chalker also reported that Whalen Tennis Company would begin work on the tennis courts by April 15; he hoped the work would be completed by the first of May. The painting on the gymnasium had also begun, and it was starting to look better; he hoped it would be completed by graduation. Doors had also been installed at the top of the stage to prevent unauthorized people out of the area.

Mr. Chalker also reported that he had received an informal bid of \$2156 in labor from Frankie Henry for building the proposed picnic shelters; the Town would provide materials, including concrete, at a cost of approximately \$8500. Mr. Nix felt this was a reasonable price, and was less expensive than if the Town crews did the work.

The question of Mr. Henry having insurance was brought up, and Mr. Chalker agreed to check on it. Comm. James felt that Mr. Henry would be covered under the Town's Workers Compensation insurance.

Mr. Chalker also reported that renovation of the swimming pool would begin on April 1.

5. Copies of the Zoning Administrator's report for March had been distributed at the beginning of the meeting.

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

6. Copies of the Treasurer's Report for the month of March has been distributed at the beginning of the meeting.

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

IV. Old Business.

1. The Clerk had reported in a memo dated March 28 that adequate funding was available to proceed with the Little Bearpen Water Line and Storage Tank, which was "Project No. 2" of the recent water/sewer line bids received on February 15. Including the cost savings approved at the March 6 meeting, the cost of this project would be \$445,650 if the bid was awarded within the bid acceptance period, which continues through April 15; the contractor had agreed to extend the acceptance period through July 31 for an additional \$11,000. At their meeting of March 27, the Finance Committee had agreed to recommend awarding this bid during the initial bid acceptance period.

MOVED BY COMM. JAMES, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO AWARD THE BID ON PROJECT NO. 2, LITTLE BEARPEN WATER LINE AND STORAGE TANK, TO STILLWELL ENTERPRISES INC.

This project would be included in the pre-construction conference already scheduled for April 10.

2. Mr. Nix had received informal bids from W. K. Dickson Company and Cranston, Robertson, & Whitehurst for a construction survey of Spring Street, as agreed at the March 6 meeting; the low bid of \$5600 was from Cranston, Robertson, & Whitehurst.

MOVED BY COMM. ZEKE SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO AWARD THE BID TO CRANSTON, ROBERTSON, & WHITEHURST.

V. New Business.

1. It was reported that the Clerk had obtained a proposal from the League of Municipalities to conduct a Pay & Classification Study. The study would include an evaluation of all positions for the purpose of determining the proper job classification, preparation of a pay plan, and review of the Town's personnel policies; it could begin in August of 1996, and would be completed by December. The cost would be \$6250. At their meeting of March 27, the Finance Committee had agreed to recommend accepting this proposal.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO ACCEPT THE PROPOSAL AND PROCEED WITH THE STUDY.

2. The Clerk had received an application from Macon County for FY 96-97 funding, and had discussed the Town's request with the Finance Committee at their March 27 meeting. A letter had been prepared requesting a total of \$140,000 in operating expenses at the Recreation Park—the same amount as last year—and up to \$20,000 in capital improvements to the tennis courts. The Board agreed by consensus to transmit this request to Macon County as recommended.

COMM. MCCALL LEFT THE MEETING ON A FIRE CALL AT 7:30 P.M.

3. The Board discussed the location of the picnic shelters, playground, and parking at the Recreation Park. Comm. James suggested installing more parking in the rear of the Park property near the trail area, and the Board agreed to investigate the possibility of doing this.

COMM. MCCALL RETURNED TO THE MEETING AT 7:39 P.M.

4. The Clerk had prepared a proposed amendment of the Fee Schedule, as follows:

"In accordance with the Highlands Code, a signed contract shall be required before any utility service is provided. If the customer is not the owner of the building for which utility service is requested, then a deposit shall be required before service is provided. Such deposit shall be equal to that amount evenly divisible by \$50 immediately lower than the three (3) highest utility bills within the past twelve (12) months. The deposit may be waived, in the discretion of the Town Clerk, if a letter of credit is submitted from the customer's previous power company. The deposit may be increased, in the discretion of the Town Clerk, if justified based on credit history and amount of usage."

Deputy Clerk Connie Sparacino explained that the purpose of the amendment was to prevent customers leaving with an outstanding bill.

Current policy was to accept, in lieu of a letter of credit, a deposit of only \$150 for a residence, which was often inadequate.

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

CARRIED TO AMEND THE FEE SCHEDULE AS PROPOSED, EFFECTIVE IMMEDIATELY.

5. The Board considered renewal of the communications contract with InterAct Systems, Inc. for the Town at \$2683.80 yearly and the Police Department at \$1,615.80 yearly. Comm. McCall wanted know if it included the Fire Department. It was felt that the Fire Department's contract might be renewable at a different time, and it was agreed that this would be reviewed.

MOVED BY COMM. MCCALL, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO RENEW THE CONTRACTS.

6. MOVED BY COMM. SANDERS, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO SET THE WEEKS OF APRIL 29 AND MAY 27 AS THE DATES FOR THE ANNUAL SPRING CLEAN-UP.

7. The Mayor asked the Board to consider the Town participating in the upcoming Volunteer Fair in Franklin. After some discussion, the Board declined to participate in this event.

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

A. Lamar Nix reported that one application had been received for the "swing person" position. The Board agreed to re-advertise for this position.

B. Mr. Nix asked the Board to consider a pay increase for Wade Wilson since he had received his "B" Operator License, as agreed; he felt that an immediate increase to \$10.00 hourly would be appropriate.

C. Town Attorney Bill Coward briefed the Board on the Allison Outdoor Advertising and the Ed Talbot litigation.

D. The Board discussed a memo from Cindy Bogorad of Spiegel & McDiarmid dated March 21 concerning a proposed settlement offer to Duke Power Company.

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

9. MOVED BY COMM. MCCALL, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO INCREASE WADE WILSON'S HOURLY WAGE TO \$10.00 PER HOUR EFFECTIVE IMMEDIATELY.

10. MOVED BY COMM. SANDERS, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO AUTHORIZE SPIEGEL & MCDIARMID TO RENEGOTIATE A SETTLEMENT WITH DUKE POWER COMPANY.

V. Meeting was adjourned by consensus at approximately 8:45 p.m.

Connie Sparacino, Deputy Clerk