

REGULAR BOARD MEETING of May 15, 1996, with Mayor John Cleaveland and Commissioners H. N. James, Mike McCall, Donnie Calloway, and Zeke Sossomon present. The Mayor reported that Comm. Sanders was recovering from surgery and could not be present.

[NOTE: A PORTION OF THESE MINUTES WERE ERRONEOUSLY DELETED IN PREPARATION OF JUNE 5, 1996 MINUTES. REFER TO MINUTE BOOK FOR PORTION DELETED.

I. The Mayor reconvened the Regular Board Meeting at 7:00 p.m.

II. The minutes of the May 1 Regular Board Meeting had been distributed by mail.

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

III. Reports.

1. The Mayor reported that he had talked to State Senator Bob Carpenter regarding a special bill introduced into the legislature last year which would have given the Town the authority to levy a room occupancy tax. This bill had stalled in the House Committee on Finance, and together with several other local room occupancy tax bills, had "died" when the legislature adjourned. Sen. Carpenter felt the bill could be reintroduced, and the Mayor felt that it should specifically include funding for maintenance and staffing of the Performing Arts Center, as well as other Parks and Recreation projects. The Board authorized the Mayor to request that the bill be re-introduced into the current session.

2. The Mayor reported that a group of interested citizens had offered to become part of an Ad Hoc Recreation Steering Committee to revamp some of the programs at the Recreation Park, in conjunction with the Recreation Committee. Since Comm. Sanders was recovering from surgery, Comm. Calloway asked the Mayor to serve on the Committee, in addition to Marty Dearth, Steve Chenoweth, Allan James, Mary Beth Houston, Irene Sanchez, and Debbie McCall.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPOINT AN AD HOC RECREATION STEERING COMMITTEE CONSISTING OF THE FOREGOING PERSONS, TO SERVE UNTIL SEPTEMBER 1.

3. The Mayor reported that he had received a copy of a letter from Larry R. Goode, State Highway Administrator, informing Senator Carpenter that through trucks without local deliveries between Hendersonville and Franklin would be prohibited on US-64, and that permits would no longer be issued for oversize loads between Highlands and Franklin. STAA-dimensioned trucks are already prohibited, and the Highway Patrol would be directed to ensure that the road is monitored for future violations.

The Mayor also reported that he had met with the League of Women Voters, Highway Commissioner Marvin Raper, and other officials in Franklin last week to discuss long-term options on US-64. It appeared that a feasibility study was scheduled for January, and inclusion on the TIP program for 1997.

4. Comm. Calloway reported that the Street Committee had reviewed the request from Hilltop Grill for some planters to be placed on the Town's sidewalk on South Fourth Street, and recommended approving it provided they contain only low-growing plants that do not interfere with visibility. The Board asked the Clerk to prepare a Revocable License Agreement in accordance with Section 13-17(b)(2) of the Highlands Code.

5. The Town Attorney was not present at the meeting. The Mayor

and Comm. Sossomon reported that they understood the hearing on the Allison Outdoor Advertising attorney's fees matter would be heard on May 28.

6. Victor Lofquist was present representing W. K. Dickson Company, the Town's engineering firm. He reported that he had not yet prepared the written description of the change orders at the Water Treatment Plant (WTP) for approval, as discussed at the previous meeting, because he was awaiting information from the contractor; he hoped to have it ready by the June 5 meeting. He also reported that the clearwell at the WTP was 75% complete, and that Stillwell Construction had begun work on the Pinecrest sewer line, would begin the US-64 water line next week, and would begin the Little Bearpen water tank and water line next month.

7. Public Works Director Lamar Nix reported on routine maintenance in the public works departments. He reported that the Street Department had been busy with sidewalk improvements, and the Water Department had begun some work on the I/I repairs. The Electric Department had constructed new lines in the Cemetery Drive, Happoldt Drive, and Hudson Road areas; it and the Trimming Crew were also preparing for the line work on Moorewood Drive to be performed by Dillard Smith. The Trimming Crew had also taken down the trees at Wright Square, as reported at the previous meeting. Mr. Nix reported that the owner of the property at the corner of Spring Street and South Fourth Street had requested that the Town eliminate some of the parking spaces near his driveway, and he asked to meet with the Street Committee to discuss the request. Finally, he reported that the TV study of the sewer lines had been postponed due to illness, but had been rescheduled for next week.

8. The Clerk reported that 22 of the 24 property owners in Satulah Ridge subdivision who had indicated that they would participate in the proposed paving project had remitted \$342 each, as requested, and two property owners had agreed to make up the difference. The Board agreed to proceed with this project as part of the 1996 street paving projects.

Comm. Sossomon asked the Clerk to review the legality of accepting these private roads for maintenance. Comm. James indicated that the roads had been offered for dedication several years ago by the developer, but never accepted by the Town.

IV. Old Business.

1. The Clerk reported that one sealed bid had been received on re-advertisement from Rhodes Brothers Paving Inc. prior to the meeting for paving and/or resurfacing various Town streets and parking areas, as agreed at the previous meeting.

The bid was opened and read. The total amount for proposals No. 1 through No. 12 was \$109,486.89, and included a bid bond as required.

The Clerk reported that \$75,000 had been budgeted for Capital Improvements using Powell Bill funds. Richard Rhodes said that he was ready to begin work in two weeks.

MOVED BY COMM. MCCALL, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO ACCEPT THE BID, CONTINGENT ON THE STREET COMMITTEE AND THE PUBLIC WORKS DIRECTOR DECIDING WHICH PROPOSALS TO ACCEPT.

2. Each Board member had reviewed a list of ten points of consensus which Shannon Baldwin had prepared following the joint meeting with the Planning Board on April 22 on the Land Use Plan update. The Board agreed with all of the points, with the exception of asking the Planning Board to recruit more members if necessary; the consensus was that the Town Board should instead appoint additional representatives to a Land Use Planning Committee. The Board also agreed that the land use survey should be sent only to those who live in Town.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED THAT THE BOARD CONSIDER APPOINTING SIX ADDITIONAL MEMBERS TO THE PLANNING BOARD TO CREATE A LAND USE PLANNING COMMITTEE TO WORK ON THE LAND USE PLAN UPDATE.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO WRITE A LETTER OF RECOMMENDATION TO THE PLANNING BOARD FOR THE PLANNING BOARD PROJECT PRESENTED TONIGHT.

3. The Board discussed concerns with inadequate parking at the Recreation Park. Comm. James asked to meet with Public Works Director Lamar Nix at the Park to indicate where he felt some additional parking could be created adjacent to Foreman Road. The Board also discussed relocation of the Playground and possible removal of the old tennis courts. The Board agreed to meet informally at the Recreation Park to again review these matters at 6:15 p.m. preceding the June 5 meeting.

4. Comm. James said that the Utilities Committee had met on May 13 and discussed sewer extensions; he again recommended that the Town consider placing sewer connection fees into a capital account.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO PLACE SEWER CONNECTION FEES IN A CAPITAL ACCOUNT EFFECTIVE WITH THE FISCAL YEAR FY 96-97.

5. The Clerk reported that he had discussed sharing the cost of a contract with Smoky Mountain Property Care & Cleaning for cleaning the public rest rooms with the Chamber of Commerce, but the Chamber Board would not meet until next week. The company was willing to adjust its schedule seasonally, and also to clean the public rest rooms on a once daily basis in the meantime if needed.

6. Each Board member had received copies of a proposed amendment of the Organizational Chart for the Personnel Manual, as discussed at the previous meeting, reflecting the Town Administrator's responsibility for directing and supervising all Department Heads.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY AGREED TO APPROVE THE ORGANIZATIONAL CHART.

7. The Utilities Committee—Comm. James and Sossomon—had met with the Clerk and the Public Works Director on May 13 to discuss sewer extensions and the request from Tom E. James that the Town share in the cost of sewer service to the Shell Station, as requested at the previous meeting. The request had been approved at the February 21 meeting and discussed again at the March 20 meeting.

Comm. Sossomon reported that the consensus of the committee was that the application meets the requirements of 25% Town participation under the Sewer Extension Policy in the Highlands Code, in that (1) the extension would be a minimum of one block—from "one platted street to another"—and (2) more than 50% of the abutting properties were requesting the funding; it was also assumed that funds were available. Although the provision inferred that an assessment procedure was to be used in cases of joint funding, pursuant to the Statutes, he felt that the Town would not need to go through that process in this case since the two property owners making the request were willing to pay the entire 75% share. The other property owner abutting the sewer was Farmer's Market, which was already connected.

Comm. Sossomon added that he felt the provision was unclear, and that the Board should consider re-drafting it.

Tony Potts indicated that the estimated cost of the sewer extension would be \$13,500; the Town's share would therefore be \$3375, and the Clerk reported that funds were available for the Town's share in the FY 95-96 budget.

Comm. Calloway said he had always understood that applicants in the past had been asked to come to the sewer at their own expense; he wondered if this was a departure from that policy, and asked how

it differed from the sewer extension that Tim Alexander had installed last year to Highlands Pharmacy.

Comm. Sossomon said he felt the difference was that the Highlands Pharmacy extension served a single user, was not a full block in length, and no request for funding under this provision had been made.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED THAT THE TOWN FUND 25% OF THE COST OF INSTALLING THE SEWER EXTENSION.

V. New Business.

1. The Mayor had received a letter from Orville Coward Jr. on behalf of the Scholarship Committee, recommending the award of \$18,500 in scholarships for 1996. Comm. Calloway asked to discuss this matter in Closed Session. The Clerk pointed out that discussing honors and awards to prevent premature disclosure was a legitimate topic to be discussed in Closed Session.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO DISCUSS THE SCHOLARSHIP AWARDS IN CLOSED SESSION LATER IN THE MEETING.

2. The Clerk reported that, according to a letter dated May 13 from Chris Taylerson, E.I.T., bids had been received by S&ME until May 6 on the Groundwater Remediation System, as discussed at the April 17 meeting. The low bid from the equipment vendor was \$9,867 from W.E.S.; the low bid from the installation vendor was \$6,900 from A.C.I.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO AWARD THE CONTRACTS TO THE LOW BIDDERS.

3. William Clinebell was present requesting sewer service to a lot at the summit of Big Bearpen Mountain. He said that he had attempted to install a septic system on the lot, but believed it was not feasible; he wished to access the Rhododendron Trail pressure sewer line on Upper Lake Road, a distance of approximately 1600 feet, with a 2" pressure line. It was pointed out that this was a private sewer line; when Louise Royal had been granted permission to access the line last year, it had been contingent on approval by the owner of that subdivision. Mr. Clinebell also indicated that there was some question about acquiring an easement across Rhododendron Park, a "public park" area deeded by the original Big Bearpen subdivider, Frank Cook, as a green area; ownership of the Park was in question.

Comm. James asked if it was feasible to install a line down Big Bearpen Road instead. Victor Lofquist said he had been working with Mr. Clinebell; a line down Big Bearpen Road was feasible, but would be very costly.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO TAKE THIS MATTER UNDER ADVISEMENT PENDING RECEIPT OF MORE INFORMATION.

4. Ray McPhail and Alan McRae were present to discuss a formal petition for annexation dated May 10 which had been submitted by Wolf Ridge Limited Partnership and signed by the owner, Elise R. W. duPont. The Clerk certified to the sufficiency of the petition, in accordance with G. S. §160A-31.

Mr. McPhail displayed the plan for the subdivision presented to the Board at the previous meeting by Will Stolz; he reiterated that, while the entire property was under contract, only 120 acres would be developed—70 acres inside Town, and 50 acres outside Town, which the seller was requesting be annexed. Once the property was annexed, he would be applying for subdivision review by the Planning Board

and the Town Board.

Comm. Calloway asked Mr. McPhail if he would be willing to provide a written guarantee that Little Fodderstack and Big Fodderstack would not be developed. Mr. McPhail said that the purchase contract called for no development on Big Fodderstack and a maximum of three lots on Little Fodderstack. However, the application for annexation was being made in the name of Elise duPont; he could not speak for her property until he owned it.

Dr. Virginia Reynaud asked Mr. McPhail why Elise duPont had made no attempt to sell the Fodderstack property to the Highlands Land Trust, even though she was a member of that organization.

An unidentified individual asked what his intention was for the two Fodderstacks. Mr. McPhail said that he had met with the Forest Service on numerous occasions, and he desired to be able to work out an agreement with a conservancy group or with the Forest Service.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO HOLD A PUBLIC HEARING ON THE ANNEXATION PETITION AT 6:00 P.M. ON JUNE 19.

5. An informal proposal had been submitted by Group One for annual landscape areas on Town property, in the amount of \$3048.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE PROPOSAL.

6. MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO HOLD A BUDGET MEETING AT 7:00 P.M. ON MAY 29 TO RECEIVE THE FY 96-97 BUDGET AND BUDGET MESSAGE.

7. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO DISCUSS PERSONNEL MATTERS AND SCHOLARSHIP AWARDS.

A. The Board discussed a personnel matter with Shannon Baldwin.

B. The Board discussed with Lamar Nix an application which had been received from David Webb for the "swing person" position. Mr. Nix had interviewed Mr. Webb, and he recommended an hourly wage of \$6.80.

C. The Clerk reported that Patricia Barnes had given notice and taken a position at the Chamber of Commerce. He had already advertised for the position, and would be taking applications until May 24.

D. The Board discussed scholarship awards for 1996, among them a recommendation that \$600 be awarded to Leroy Wong. It was pointed out that Mr. Wong had already graduated from Duke University. The consensus of the Board was that scholarships should not be provided for graduate degrees.

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

8. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO EMPLOY DAVID WEBB AS A "SWING MAN" AT AN HOURLY WAGE OF \$6.80.

9. MOVED BY COMM. MCCALL, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO AWARD 1996 SCHOLARSHIPS AS RECOMMENDED BY THE SCHOLARSHIP COMMITTEE, WITH THE EXCEPTION OF A \$600 SCHOLARSHIP TO LEROY WONG AND AN \$800 SCHOLARSHIP TO TIMOTHY CALLOWAY.

MOVED BY COMM. MCCALL, SECONDED BY COMM. JAMES, AND CARRIED TO AWARD AN \$800 SCHOLARSHIP TO TIMOTHY CALLOWAY AS RECOMMENDED BY THE

SCHOLARSHIP COMMITTEE. Comm. Calloway abstained.

V. Meeting was adjourned by consensus at approximately 9:30 p.m.

Richard Betz, Town Clerk