

REGULAR BOARD MEETING of July 17, 1996, with Mayor John Cleaveland and Commissioners H. N. James, Mike McCall, Donnie Calloway, Zeke Sossomon, and Ron Sanders present.

Also present were Richard Betz, Lamar Nix, Shannon Baldwin, Derek Taylor, Dr. Louis Reynaud, Dr. Virginia Reynaud, Jim Sparks, Hank Ross, Alan Marsh, Bill Coward, Eddie Redmon, and Bernie Roberts.

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

II. The minutes of the July 3 Regular Board Meeting had been distributed by mail.

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

### III. Reports.

1. Public Works Director Lamar Nix reported on routine maintenance in the public works departments. He said that the Water Department was continuing to address some of the problems identified in the I/I study, and the amount of inflow into the Wastewater Treatment Plant had apparently been reduced. The Water Department had also been coordinating with the Contractor on the water and sewer line work; the water line on Cobb Road had now been opened again, which should alleviate some of the supply problems in the Highlands Country Club Area. The Water Plant was pumping an average of 720,000 GPD, and the Stage I Water Shortage Condition was still in effect. Bid documents on the Highlands School sewer/manhole project had been prepared in-house by Administrative Assistant Connie Sparacino, and bids would be accepted at 12:00 noon on July 31.

2. The Mayor reported that construction at the Water Plant and along Hickory Hill Road had required closing of the road and some complaints from the public. He pointed out that all of the work was necessary, and that the site was very constricted. He felt many of the problems would be resolved when construction was completed on the water lines in two weeks and at the Water Plant in September. He thanked the public for being patient, and assured them the work would be completed as soon as possible.

3. The Clerk reported that the Town had received \$14,375 in funds from a foreclosure action against Curtiss F. Neal.

The Clerk also reported that, due to the recent passage of Senate Bill 1317, all Underground Storage Tank-related contamination incidents had been ranked according to priority. The Town's site on Poplar Street had received a site priority ranking of 20-E, the lowest possible. No further action was required at the site: the monitoring wells would be abandoned, and the contract awarded on May 15 on the groundwater remediation system was cancelled.

### IV. Old Business.

1. The Board again discussed enforcement of the Junk Car Ordinance. The Mayor said that he had not yet had the opportunity to meet with the Zoning Administrator, as discussed at the previous meeting. Comm. Calloway said that he had reviewed the Ordinance in greater detail, and many of his questions had been answered. The consensus of the Board was that the Ordinance as written should be enforced.

Shannon Baldwin suggested that the Town consider the possibility of a 30-day grace period and a voluntary towing program; he offered to see if an area junk car dealer would be willing to remove junk cars at no cost for their value as scrap. The Board agreed to have Mr. Baldwin investigate this possibility, provided junk cars are not stored on Town property, and to report back at the next meeting.

2. Copies of a proposed amendment of the Police Policies & Procedures Manual prepared by Town Attorney Bill Coward and Police Chief, addressing secondary or off-duty employment by police officers, had been distributed at the previous meeting. The Board discussed the possible difficulty in administering such a comprehensive policy, and agreed to ask Chief Cook if he felt comfortable with it. Action was deferred until the next meeting.

3. The Clerk reported that he had received a letter from Highlands Conveniences Inc. dated July 7 declining to accept the annual contract for gasoline and diesel fuel, awarded at the June 26 meeting, because the Town had awarded the diesel fuel to D & J Express Mart. Highlands Conveniences would be willing to provide gasoline at the regular commercial discount of 5% discount off pump price. The Clerk had prepared a table comparing the bids at the revised discount. He also reported that next year he intended to include with the bids a statement that they could be awarded separately according to the type of fuel.

MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO AWARD THE BID ON GASOLINE TO D & J EXPRESS MART.

Comm. James asked the Clerk to provide a breakdown of the quantity of each type of fuel when bids are received next year.

#### V. New Business.

1. The Board considered renewal of the annual preventive maintenance agreement with Building Management & Controls for the Highlands Civic Center at a cost of \$3780, the same as last year.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO APPROVE THE CONTRACT.

2. A proposed resolution and agreement for construction of the sidewalk along NC-106 by the Department of Transportation had been received; the State would design and construct the sidewalk at its cost, and the Town would be responsible for all liability and maintenance responsibilities.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ADOPT THE RESOLUTION AND EXECUTE THE AGREEMENT.

3. Hank Ross was present representing the Lake Sequoyah Improvement Association. He said that since the Lake Ordinance, which had been adopted effective upon the re-classification of the lake as a Class I Reservoir, was not yet in effect, residents along the lake were continuing to experience problems with speeding boats and wakes. He said the Association had considered displaying the rules on signs, and he also requested that the Town consider closing the public boat ramp, which was mostly used by out-of-Town boaters.

Comm. James said he would like to receive a copy of the Lake Ordinance before the next meeting, and the Clerk offered to provide a copy to each of the Commissioners. The Mayor said the Board would review it to see if there was a portion of the Ordinance with which they felt comfortable with proceeding.

4. The Mayor reported with great sadness that, since the previous meeting, he had been informed that the anonymous benefactor providing funding for the Performing Arts Center had, due to a lack of enthusiasm on the part of the Board, withdrawn the offer to building this facility. He said this was one of the most depressing things he had faced since serving as Mayor. He felt that the Performing Arts Center would have benefitted the Town immensely, even though there might have been some problems with funding its maintenance and operation, and he felt that it would have been enjoyed long after he was gone. He said he had tried to resurrect the project without success. The benefactor involved had tried for three years to make an honest attempt to build this facility, and he thanked her for

that attempt; he hoped some day in the future a Performing Arts Center might be possible. Now it was time to move on.

Comm. Sanders said he wished to go on record in agreement with the Mayor's comments.

Eddie Redmon, architect for the project from Howell Rusk Dodson, said that the cancellation of the project was a disappointment to all. But he wanted to assure the Board that the current projects under construction would be completed. The Mayor said he appreciated it, and offered to do anything he could to help.

The Mayor said further that he felt strongly that the direction in which he wanted to see the Town go was not always the same as the direction in which the Board wanted to go. Although he had decided to complete his term, he would not run again as Mayor; he felt the Town needed to find its direction and someone to lead them there, and that it was time for new blood and fresh ideas.

Comm. James said that he was sorry if the Mayor had the feeling that the Board had not been enthusiastic about the project; he said that everybody had been enthusiastic. Comm. McCall agreed; he said that the Board had only wanted to be sure of the legality of awarding the contract. Comm. James pointed out that that was only what the State statutes would require.

5. Derek Taylor was present as a liaison between the Chamber of Commerce and the Town Board. He reported that the Chamber had been approached by private individuals interested in purchasing a piece of land at the West end of Town; he wondered if the Town would be interested in helping build additional restrooms and/or contributing to their maintenance.

Comm. James did not feel it was altogether up to the Town; he would like to see what the merchants would be willing to do. The consensus of the Board was that there was some interest in the project.

6. MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO DISCUSS LEGAL MATTERS WITH THE TOWN ATTORNEY.

A. Town Attorney Bill Coward briefed the Board on a conversation he had had with Doug Wilson, the attorney from McGuire, Wood, & Bisette, on the Allison Outdoor Advertising Company litigation. The Board asked Mr. Coward to invite Mr. Wilson to the August 7 meeting to discuss the Town's options.

B. The Town Attorney also discussed the Dillingham litigation with the Board. He reported that Mountain Shore Construction had filed a motion to amend its answer to add a cross-claim to the Town, which would be heard on July 29. The Board asked Mr. Coward to appropriately address the new posture of the parties.

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

VI. Meeting was adjourned at 8:00 p.m.

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Richard Betz, Town Clerk