

REGULAR BOARD MEETING of September 4, 1996, with Mayor John Cleaveland and Commissioners H. N. James, Mike McCall, Donnie Calloway, and Zeke Sossomon present.

Also present were Richard Betz, Lamar Nix, Selwyn Chalker, Shannon Baldwin, Jerry Cook, Jim Sparks, Derek Taylor, Bill Hogue, and Alan Marsh.

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

II. The minutes of the August 21 Regular Board Meeting and the August 28 Special Board Meeting had been distributed by mail.

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

III. Reports.

1. The Mayor reported that friends of the late Martha Neese had inquired about placing a stone lantern in the garden area behind the Town Hall as a memorial to her. The Board agreed to approve the memorial, provided the Garden Club, which maintains and landscapes the area, does not object.

The Mayor pointed out that the first meeting in January of 1997 would fall on January 1. The Board agreed to change the dates of the regular meetings in that month to January 8 and January 22

The Mayor reported that the County Commissioners were considering obtaining a piece of property north of Town for use as a ball field in this end of the County, and he intended to speak in favor of the proposal.

2. Public Works Director Lamar Nix reported on routine maintenance in the public works departments. He also reported that Leroy McCall and Mike Burrell had attended training school in Morganton.

He also said that he had received several inquiries about scrap aluminum at the Town Warehouse, and he felt that the fairest way of disposing of it would be to bid it off; the Board agreed.

He reported that he had obtained a proposal from Stillwell Enterprises Inc. for replacing the Highlands School sewer line with 8" ductile iron, instead of slip-lining pursuant to the bids received last month; the low bid for that work had been \$62,450, and the new proposal was only a little higher than that. Comm. James recommended proceeding with re-bidding the project, specifying ductile iron; he pointed out that the slip-lining repair would not be as reliable as a new ductile iron line because the base may not be stable. Mr. Nix agreed, and said that he would need to prepare plans and specifications before re-bidding the project. He also said he would obtain approval from the property owners in the area due to the narrow easement.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO RE-BID THIS PROJECT, SPECIFYING DUCTILE IRON PIPE.

Comm. James also asked if Mr. Nix would be preparing plans for the Main Street sanitary and storm sewers this winter; he said that he would.

3. Police Chief Jerry Cook gave an oral report on Police Department activities for the month of August. He also reported that he had finally obtained new radio frequencies for the repeater site at the Police Department, and would be purchasing new radios, as planned nearly five years ago. He said that, with the installation of the new generator almost complete, his department would have better communication in the future during power outages.

The Mayor asked about the recent juvenile arson in Town.

4. Recreation Director Selwyn Chalker reported that the two new ping-pong tables had arrived; their cost would be covered by a \$3000 donation he had just received from Mountain Findings. He reported that, in response to complaints about the sound system in the Civic Center, he had asked Dunning Music in Asheville to provide a price on a new booster and equalizer; he felt that part of the problem was that other groups using the Civic Center did not use the Center's sound system, and they should be encouraged to do so. He also reported that there were still some items to be completed on the swimming pool and bath house projects. He said that he had been approached by some people who were interested in covering the pool so that it could be used later in the season; he felt, however, that this would be expensive to accomplish and to maintain. The Mayor and Comm. James also expressed some reservations about covering the swimming pool.

Comm. James asked when the picnic shelter, which had been removed to make room for the proposed Performing Arts Center, would be re-erected. He also said that he felt the fees from the tennis courts should be placed in a capital reserve fund to be used to re-surface the tennis courts when needed; the Board agreed.

5. Each Board member received a copy of the Zoning Administrator's written report for the month of August. Shannon Baldwin also reported that he had written a letter to the Little Flower Shoppe concerning a violation of the terms of its Special Use Permit with respect to a greenhouse on Main Street, and had notified them that he would be re-inspecting the business at the end of the month. He said that he and the Police Chief had also discovered that On the Verandah restaurant had more than the 92 seats permitted by its Special Use Permit; he had written a letter asking the restaurant to comply, and would be following up. The Land Use Planning Committee would be meeting informally on Friday at 4:00 p.m. to set the schedule for their coming meetings; he expected that they would be meeting on Thursdays every two or three weeks.

Comm. James reminded Mr. Baldwin that he had reported at the August 28 meeting that D. O. T. Traffic Engineer Ruben Moore would be reviewing the possibility of a turn lane on Main Street at Fourth Street. He requested that the D. O. T. also be asked to look into improving Maple Street, and providing a traffic light at its intersections with North Fourth Street, as well as at the intersection of Third Street and Main Street,

6. Each Board member received a copy of the Treasurer's Report for the month of August.

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

7. The Clerk had provided each Board member with some information on Special Assessments and Service Districts, as discussed at the August 28 meeting.

He also reported that Ruben Moore had informed him that he had investigated the Town's request of March 6 to install a four-way stop sign at the intersection of Fifth Street and Chestnut Street. He had reported that the sight distance was adequate for the posted speed, and the D. O. T. did not recommend installing a stop sign at that location; he recommended instead better enforcement of the speed limit and some right-of-way trimming.

The Board agreed for the D. O. T. to be contacted to trim this State Road. Comm. James pointed out that there was also a provision in the Zoning Ordinance regulating obstructions to vision near intersections; the Board asked the Zoning Administrator to review the remedies available in that Ordinance.

IV. Old Business.

1. The Clerk reported that Wiley Ellis, who had requested that his petition for annexation be considered on this date, had not been able to attend the meeting due to a hurricane approaching his property in Savannah. He had requested that this matter be postponed, and the Board agreed to do so.

V. New Business.

1. Each Board member had received a copy of a revised Ordinance which the Clerk had prepared at the Board's request at the previous meeting; it consisted of those provisions of the Town's Ordinance Regulating Recreational Activities on Lake Sequoyah —adopted by the Board on November 15, 1995, to become effective upon re-classification of the Lake—not directly relating to water quality.

The Mayor said that he had come to the conclusion that there was no need to adopt the revised Ordinance until the State had completed its study several months from now; he thought it was premature, in that there was no immediate problem, and he felt it might limit the enjoyment of the lake by the public. He pointed out that the Police Department would still have the authority to investigate instances of disturbing the peace.

Comm. James agreed, and pointed out that these would be special regulations in effect nowhere else in Town; the residents around Mirror Lake, for example, might want the same thing. The premise of the Ordinance was the reclassification effort.

Bill Hogue was present, and in reply to a question from Comm. Calloway, he said that the situation was not good enough for anyone in the Lake Sequoyah Improvement Association (LSIA). He felt that the concerns of the LSIA had been placed behind the status of the lake as a reservoir; that issue was not consequential to the LSIA, and the Association was looking to the Town to cooperate.

The Mayor said he felt the LSIA was attempting to turn the lake into its own private lake. Mr. Hogue denied this charge; he said he wanted the lake to be enjoyed by everyone. He said the LSIA was supportive of the Town's reclassification efforts, but it did not seem as if the Town was supportive of what the LSIA wanted. His concern was primarily about a problem with big boats speeding and creating wakes and waves on shore; the problem did not happen often, but he would like to be able to do something when it did happen. He pointed out that there was nothing to prevent a jet-ski, for example, on the Lake.

Comm. Calloway said he did not object to adopting the Ordinance now, rather than a few months down the road. Comm. McCall said that the speed limit seemed to be the main concern; he did not object to regulating this.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ADOPT AN ORDINANCE LIMITING THE SPEED LIMIT OF BOATS ON LAKE SEQUOYAH TO FIVE (5) MILES PER HOUR.

Comm. James asked the Public Works Director to look into the possibility of widening the shoulder of US-64 West near the lake.

2. Each Board member had received a copy of a revised Parks and Recreation Department Discipline Policy, prepared by the Clerk in consultation with the Recreation Director, the Town Attorney, and an attorney with the League of Municipalities.

Comm. James said that he had reviewed the Policy, and his only objection was inclusion of the Recreation Committee in the appeals process. Comm. Calloway agreed, and the Board agreed to modify the proposal accordingly.

MOVED BY COMM. JAMES, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO ADOPT THE REVISED PARKS AND RECREATION DEPARTMENT DISCIPLINE POLICY, AS MODIFIED.

3. Each Board member had received a copy of a proposed amendment of the Highlands Code concerning the responsibility of owners of dogs to control them; uncontrolled dogs would be considered nuisance animals under Chapter 3 of the Code.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING AMENDMENT OF THE HIGHLANDS CODE, CHAPTER 3, ANIMALS:

"Section 3-5. Responsibility to control dogs.

"(a) The owner or keeper of any dog shall be responsible for controlling said animal at all times, in order to prevent said animal from annoying or disturbing other pedestrians, destroying property, or disturbing trash placed for collection in suitable containers. Any dog which habitually engages in any of the foregoing activities is hereby declared to be a public nuisance, and shall be abated as provided in Section 3-2.

"(b) The owner or keeper of any dog shall be responsible, if said animal shall defecate upon the public streets, sidewalks, or other public area, for collecting and properly disposing of said fecal matter. Any person, being the owner or keeper of any such dog, and who does not immediately so collect and properly dispose of said fecal matter, shall be guilty of a misdemeanor, punishable in accordance with the provisions of Section 1-5."

4. The Clerk reported that the State D. O. T. had requested that the Town adopt a concurring Ordinance regulating to 25 miles per hour the speed limit of SR-1545 from SR-1546 north to a point 0.04 miles north of SR-1546, the Highlands City Limits. The section of road was already posted.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADOPT THE ORDINANCE.

5. The Clerk reported that Tom and Linda Clark, owners of the 4½ Street Inn, had inquired about accessing the Town's sewer collection system by installing a gravity service line to Chestnut Street, and then an 8" line along Chestnut Street to a manhole in the intersection of Chestnut and Fifth Street. A similar proposal had been approved by the Board several years ago, but had never been installed. They had asked if the Town would favorably consider a petition from 50% of the property owners in the area requesting an extension under the 25%/75% assessment procedure, like the request approved at the August 21 meeting for Margaret Shaffner on Hickory Street. The connection fee would be \$8000 for the Inn. He and the Public Works Director also reported that Mr. Clark had told them he could not access the proposed sewer line on Hickory Street by gravity, and did not want to install a pump station.

Comm. McCall said that he would like to see the Board consider a provision whereby someone could install a sewer collection line like this one, and then recoup the investment when others accessed the line. Comm. Sossomon said that he felt such a policy could be drafted, and he explained how a similar provision worked in another municipality. Comm. James felt that the reimbursement procedure should come through the Town, perhaps by providing a break on the connection fee up to a certain point, and that there should be a 10-year limit on reimbursements. Comm. Sossomon also felt that undeveloped lots adjoining a line, as in this case, should be required to connect to the sewer when developed. The Clerk pointed out that existing policy called for mandatory connection in the case of extensions by assessment. He also reminded the Board that the

Charlotte-Mecklenburg Utility District connection policy, which had been reviewed when the Board adopted its own Sewer Connection Policy, had provided several different funding strategies for sewer extensions; he offered to provide copies to each Board member for review.

The consensus of the Board was that it would favorably consider the request when a petition is formally presented.

6. The Mayor briefly discussed long distance telephone rates with the Board; Jim Sparks said that an article on the subject would be appearing in The Highlander in the near future.

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

A. The Public Works Director reviewed with the Board applications for employment in the Electric Department from Rodney "Clay" Talley, James Wachob, James Ramey, and Dennis Owen. He and Department Head Craig McCall recommended offering this position to Clay Talley.

B. The Public Works Director reviewed with the Board an application for employment in the Street Department from Jimmy Mull. He said that he would be interviewing Mr. Mull the next day, and had not yet reviewed his references, but that he appeared to be qualified; he possessed a CDL license, as well as a "C" Surface Water Treatment Certificate.

C. The Board discussed a letter which the Mayor had received from Lewis Hersey concerning an incident at the Recreation Park involving his wife April and another former part-time employee.

D. The Clerk reported that Town Attorney Bill Coward had informed him that Allison Outdoor Advertising had accepted the offer made on the Town's behalf by Doug Wilson, an attorney from the firm of McGuire, Wood, & Bissette in Asheville, as discussed at the previous meeting. Under the agreement, Allison would agree not to pursue the issue of attorney's fees, and both parties would agree not to proceed with further action.

The Clerk also understood from Mr. Coward that the Ed Talbot case was being pursued in the Court of Appeals.

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

8. MOVED BY COMM. MCCALL, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO OFFER EMPLOYMENT TO RODNEY "CLAY" TALLEY IN THE ELECTRIC DEPARTMENT AT A BEGINNING HOURLY WAGE OF \$15.50; UPON SATISFACTORY COMPLETION OF A THREE-MONTH PROBATIONARY PERIOD, HIS HOURLY WAGE IS TO BE INCREASED TO \$15.73.

9. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO AUTHORIZE THE PUBLIC WORKS DIRECTOR TO OFFER EMPLOYMENT TO JIMMY MULL IN THE STREET DEPARTMENT AT AN HOURLY WAGE OF \$6.75, IF HE IS SATISFIED WITH HIS REFERENCES.

VI. Meeting was adjourned by consensus at 9:00 p.m.

Richard Betz, Town Clerk