

REGULAR BOARD MEETING of September 18, 1996, with Mayor John Cleaveland and Commissioners H. N. James, Mike McCall, Donnie Calloway, Ron Sanders, and Zeke Sossomon present.

Also present were Richard Betz, Adam Lindquist, John Warren, Tom Shaffner, Jack Shaffner, Ran Shaffner, Margaret Shaffner, Steve Chenoweth, Dennis DeWolf, Paul Schmitt, Andrea Schmitt, Georgia Allen, Bob Clair, Jane Clair, Jim Sparks, Dave Clary, Charlie McDowell, King Young, Janet Young, and others.

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

II. The minutes of the September 4 Regular Board Meeting had been distributed by mail.

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

III. Reports.

1. The Mayor reported that the County Commissioners had agreed to appropriate \$60,000 for the purchase of a piece of property on US-64 near the old airport site for the development of additional ball fields and soccer fields. He also understood that the State Department of Transportation would be constructing a maintenance shed in the same area, with access to the site provided by a two-lane state-maintained paved road.

2. The Clerk reported that Public Works Director Lamar Nix was in Raleigh attending a GIS training program. He also reported that Shannon Baldwin was taking some finance courses on Wednesday evenings and would not be able to attend several meetings.

IV. Old Business.

1. The Clerk reported that all of the costs had been computed for the Pinecrest Subdivision Sewage Collection System, and the total cost of the project was \$67,275.65; each property owner's share of the 75% to be assessed would be \$3363.78. He had prepared a resolution declaring the cost and ordering the preparation of the preliminary assessment roll, and he asked the Board to set a public hearing for 6:45 p.m. on October 16.

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

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RESOLUTION DECLARING COST AND ORDERING PREPARATION OF
PRELIMINARY ASSESSMENT ROLL,
AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON
PRELIMINARY ASSESSMENT ROLL,
PINECREST SUBDIVISION SEWAGE COLLECTION SYSTEM

WHEREAS, the extension of the Pinecrest Subdivision Sewage Collection System was ordered by resolution of this Board of Commissioners duly passed on the 21st day of February, 1996, and has been completed in accordance therewith; and

WHEREAS, the total cost of the project has been computed.

NOW, THEREFORE, the Board of Commissioners of the Town of Highlands, North Carolina, meeting in regular session on the 18th day of September, 1996, doth resolve as follows:

1. The total cost of the above-described project is hereby declared to be \$67,275.65.

2. The Town Clerk is hereby directed to prepare a Preliminary Assessment Roll showing the individual assessments upon the

benefitted properties.

3. The Town Clerk is hereby directed to make available during regular office hours, in his office, the Preliminary Assessment Roll for public inspection from this day through the 16th day of October, 1996.

4. The Board of Commissioners will hold a public hearing at 6:45 p.m. on October 16, 1996, for the purpose of hearing all interested persons.

5. The Town Clerk is hereby directed to publish the required notice of the public hearing and, no later than ten (10) days before the public hearing, to mail by first-class mail copies of the notice to the owners of real property listed on the Preliminary Assessment Roll.

This the 18th day of September, 1996.

John W. Cleaveland, Mayor

ATTEST:

Richard Betz, Town Clerk

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2. Each Board member received a copy of a letter from Margaret M. O'Donnell to the Mayor dated July 11, 1996, enclosing a list of problems still unresolved between Highlands Plaza, the United States Post Office, and the contractor, Carbone Construction. Comm. James said that he had always understood that the old First Union branch bank would be removed and used for additional parking, as indicated in the letter. According to the Clerk, however, the building had just been leased for use as a real estate office.

Comm. James wondered what the existing lease covered. Comm. Sossomon said that he represented Ms. O'Donnell, and stated that the existing lease covered only the post office building and parking on US-28, as well as a share of the parking in Highlands Plaza. Ms. O'Donnell had originally intended to lease the bank property, but he understood she had now changed her mind. He said that the original plan had also called for landscaping, rather than parking, along US-28. Georgia Allen was present, and said she felt the parking along US-28 was dangerous.

The Mayor said that he had been told by Postmaster Elizabeth Kelley that the bank site would be used for parking. He felt that the building already needed to be expanded, and that existing parking was inadequate. He felt that the Town should see to it that the facility be moved to a better location when the five-year lease expires.

Comm. James felt that the Town had received bad legal advice two years ago when it had been told that it had no jurisdiction over this building because of its status as a federal building. He felt the Board should request an opinion from its present Town Attorney, who was not present tonight, and consider this matter again at the next meeting.

V. New Business.

1. Dennis DeWolf was present with a plan he had prepared of Carolina Way. He said that he appreciated the Town's offer several months

ago to take over the maintenance of this private road if the property owners would pave it. Instead of simply paving the 30-foot roadway, however, he and other property owners in the area had agreed to develop this new plan, which had met with an enthusiastic reception thus far. He then reviewed the plan, which provided for a 20-foot wide asphalt roadway, a sidewalk adjacent to the roadway along the north side of the road between Fourth and Fifth streets surfaced with special paver bricks, street lighting, trees, and landscaping. He said that the 15 property owners involved had agreed in principle to the plan. Although he was still putting together final budget figures, he estimated the cost of the improvements at approximately \$50,000. The roadway itself was owned by Walter Shepherd and Bob Searle, and he said they had both indicated they would be in favor of dedicating it to the Town.

The Mayor pointed out that the Town had already made an offer to take over maintenance of the road provided it was paved. He thought the plan was a nice one and would enhance the area.

Steve Chenoweth said that development of the plan had raised some questions about the sharing of responsibility; for example, would street lighting be maintained and the power bill paid for by the Town, or by the property owners? He also wondered if the Town would be willing to participate in part of the cost. The Mayor said the Board would have to give that question a little thought, as it is a private street.

Comm. Calloway felt that the Planning Board and Appearance Commission should review the plan. Comm. Sossomon agreed; he pointed out that the area had been approved as a subdivision with a 30-foot right-of-way and sidewalks adjacent to the buildings, and wondered if that plat would need to be amended if the road width and new sidewalk were approved.

Bob Clair pointed out that the overall objective of the property owners was to make this a nice area; he said they would be willing to make the road wider if the Town wanted it wider.

The consensus of the Board was that the plan would be a big improvement, and there would be no objection to the property owners proceeding with the improvements, provided the plans are presented to the Planning Board and Appearance Commission for review. The Mayor commended Mr. DeWolf for his efforts.

2. The Clerk reported that he had received a petition for extension of the Town sewer collection system under the assessment procedure dated September 13, 1996, from three property owners on Hickory Street, as approved in principle at the August 21 Board meeting. The property owners were Randolph Shaffner, Mamie Jo Gillespie, and Chris Alley and others, representing the owners of three lots on the north side of Hickory Street. The Board discussed at some length which properties in the area needed to be included in the 50% requirement of Section 15-247(a), which stated: "At least fifty (50) percent of the property owners on any projected sewage extension on a Town street must petition the Town for a sewage disposal extension before the extension will be considered." The Clerk had not counted the Whittle property on the corners of Hickory, Fifth, and Chestnut Street in calculating the percentage because they already had access to the sewer, although they were not connected. Similarly, he had not counted three lots on the east side of Fifth Street which would abut the proposed extension, one of which was already connected. Comm. Sossomon felt that the same standard for assessments—"property owners whose property abuts upon such extension"—would have to apply when computing the percentage. Comm. James agreed, and said he felt the Whittle property would have to be included, as well as two of the three lots abutting the extension on Fifth Street.

After considerable discussion, however, the Board as a whole could not reach a consensus on this policy. Comm. Calloway felt that the question could not be answered tonight. Nevertheless, he pointed out that the Town had gone to the voters several years ago to seek

approval for a new sewer plant and a plan to sewer the Town; he felt that the Board needed to work something out to take care of property owners like these who had worked hard and were trying to get off their failing septic systems. Comm. James agreed, but felt that under existing policy the Board could not make exceptions. The Mayor also pointed out that the Town's ability to fund sewer extensions was limited.

Margaret Shaffner felt that the 25%/75% sharing of cost under existing policy was pretty normal among other municipalities, but she asked the Board to consider the possibility of providing for a four-year term for paying assessments at 8% interest, rather than a two-year term as approved for Pinecrest Subdivision.

The Board agreed to review existing policy and take this matter under advisement until the October 2 meeting.

3. The Clerk reported that Police Chief Jerry Cook had received a letter of resignation from Police Officer Timothy J. O'Brien.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO ACCEPT THE RESIGNATION.

4. The Clerk reported that he had received a thank-you letter addressed both to the Board and to the Scholarship Committee from Lucas Calloway for his Town scholarship.

5. The Mayor discussed briefly the matter of illegal immigrants in Highlands. He said that he understood that he and the Board had taken the blame for the recent departure of several restaurant workers in Town. The matter had been precipitated by a call from the Macon County Health Department that there were several suspected illegal immigrants living at restaurants in conditions not fit to live in. The Police Department had checked into the matter, and federal Immigration and Naturalization Service authorities had been contacted, although he understood they had not yet come to Highlands. He did not understand why some businesses felt that the problem was the fault of the Town; he asked if breaking the law was to be condoned.

Comm. Calloway said that he had also heard that the Mayor, Police Chief, and Board had taken the blame for the investigation, and he did not believe they should. Comm. McCall agreed; he felt that if businesses were breaking the immigration laws, they were responsible.

VI. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ADJOURN.

Meeting was adjourned at approximately 8:30 p.m.

Richard Betz, Town Clerk