

REGULAR BOARD MEETING of November 6, 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, Lamar Nix, Selwyn Chalker, Jerry Cook, Victor Lofquist, Jim Sparks, Dr. Amy Patterson, Jolene Niblack, Georgia Allen, Alan Marsh, King Young, and Dennis DeWolf.

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

II. The minutes of the October 16 Regular Board Meeting had been distributed by mail.

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

III. Reports.

1. The Mayor reported that he had written a letter to officials of the U. S. Postal Service in Greensboro, asking to meet with Leroy Evans Jr., Manager of Administrative Services, regarding the Highlands facility. He had asked Mr. Evans to bring plans of the building, and among other issues he hoped that the plans would be able to clarify whether or not the First Union branch bank building was to have been moved, as discussed at the previous meeting.

2. The Mayor also reported that an official with the Atlanta office of the U. S. Environmental Protection Agency had been talking to the North Carolina DEHNR about the feasibility of land application for the Cullasaja River WWTP. He had tried to contact the official on several occasions but his phone calls had not been returned. He pointed out that this facility functions well, and said that it was beyond his comprehension that the EPA would be interested in forcing the Town into an alternative that every engineer that had looked at it had found would not work. He also reported that the U. S. Geological Survey had indicated that, as a result of lobbying from Save Our Rivers Inc., it was going to re-examine the Cullasaja River. He asked the Board for permission to write to the Town's Congressman and Senator, and the Board agreed for him to pursue the matter.

3. Each Board member had received a copy of a letter from Town Attorney Bill Coward dated October 10, reporting that Dillingham had filed a voluntary dismissal in the Mountain Shore/Dillingham lawsuit; the letter said that this effectively meant the Town was out of the lawsuit unless Mountain Shore brings it back in.

4. Victor Lofquist, representing W. K. Dickson Company, the Town's consulting engineers, was present. He reported that both the Little Bearpen Tank/Water Line project and the Water Plant project were nearing completion. Work was proceeding on equipment testing, control interfacing, and chemical feeds at the Water Plant, and he expected to be able to treat the first run of water this week; some miscellaneous piping and touch-up work also remained to be completed.

Mr. Lofquist then reviewed Change Order No. 1 to Hayes & Lunsford, the Electrical Contractor, a copy of which he provided each Board member. The change order consisted of additional communication wiring, a lab upgrade, additional wiring to accommodate metering pump control panels, additional control wiring for the chlorinators, and relocation of chemical feed control panels. The total of the change order was \$8362.63, and an additional 36 days on the contract time, but Mr. Lofquist felt the combined Electrical and General Contract change orders would still be under budget.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE CHANGE ORDER NO. 1 TO THE ELECTRICAL CONTRACT.

He also reported that a dry hydrant and a modified altitude valve had been added to the Little Bearpen Tank/Water Line project, but it would still be substantially under budget due to an expected \$65,000 under bid on rock removal.

TOWN ATTORNEY BILL COWARD ARRIVED AT 7:15 P.M.

5. Bill Coward reported that he had just received a copy of a letter from Mountain Shore attorney Bob Burchette to Judge Downs, indicating that the cross-claim in the Mountain Shore/Dillingham lawsuit still survived; it claimed that, despite Dillingham's voluntary dismissal, if Mountain Shore had any liability to Dillingham, then the Town would be liable to Mountain Shore. Judge Downs would be ruling on the issue the week of December 30.

Mr. Coward also reported that the Talbot case was still pending before the Court of Appeals.

The Mayor asked Mr. Coward if he had been discussing the upcoming appeal by the Little Flower Shoppe with Zoning Administrator Shannon Baldwin; he said that he had discussed the case with him. The Mayor felt that it would be a good idea if he could be present at the November 12 Zoning Board meeting at which this case would be heard; the Board agreed.

6. Public Works Director Lamar Nix reported on routine maintenance in the Electric, Street, and Water departments. He reported that the containment area had been completed at the WWTP, and that the Street Department had installed the "No U-Turn" and "Parking" signs as agreed at an earlier meeting. He also provided copies of a weekly Department Head report which he was now requiring in the Electric, Street, and Water departments.

He reported that he had reviewed the bids received at the previous meeting on the Electric Department truck, and the low bid of \$64,451 from Utility Supply & Equipment Corp. had met the specifications.

Finally, he reported that the Water Department had completed 95% of the items identified in the Byrd/Forbes I&I study conducted last November; he asked to meet with the Utilities Committee to discuss some water projects which that Department could begin working on in the weeks ahead.

7. Police Chief Jerry Cook gave an oral report on Police Department activities for the month of October. He reported that he had been able to obtain a refund of more than \$4600 from Ford Motor Company for an engine that had to be replaced in a police vehicle last year while still under warranty.

The Mayor asked about coverage in the Highlands area from the Macon County Sheriff's Department; Chief Cook said that he had hoped for a routine Sheriff's patrol available 24 hours per day, but that coverage was sporadic. The Mayor pointed out that there was a real need for coverage in this area. He also reported that Joan Cabe at Highlands-Cashiers Hospital had asked if it would be possible for the Highlands Police Department to provide emergency assistance at the hospital in the event of disturbances in the evenings when no men were on duty. The Chief explained that under State law he could not respond beyond a one-mile limit unless he was sworn in as a Sheriff's deputy, as some of his officers were; however, he felt that a written agreement could be obtained from Sheriff Homer Holbrooks permitting any of his officers to respond if requested through 911. The Mayor offered to meet with the Sheriff and discuss coverage in general in the Highlands area, and a written agreement as outlined by the Chief.

8. Recreation Director Selwyn Chalker reported that he had obtained an updated price of \$21,816.50 for the construction of two picnic shelters, as approved at the previous meeting. The Mayor reported that he had written a letter to the anonymous donor involved in the Performing Arts Center, requesting that the architects finalize work on the swimming pool and bath houses, and also consider funding the picnic shelters.

Mr. Chalker also reported that one of the doors in the rear of the gym at the Civic Center had been damaged on Halloween night; he recommended replacing all of the doors with new frames, solid doors,

and new hardware, and offered to obtain a price; the Board agreed with the recommendation. He also reported that he had received \$3000 from the Highlands Women's Club. He recommended purchasing 18 to 20 new tables at an approximate cost of \$1600, and the Board approved the request. He also reported that the furnace was now working well, but he felt the Town might want to consider converting to LP gas in the future.

9. Each Board member had received a copy of the Zoning Administrator's written report for the month of October, which included copies of the minutes of three meetings of the Land Use Planning Committee in October.

10. Each Board member had received a copy of the Treasurer's Report for the month of October.

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

10. The Clerk reported that he had received a copy of the annual audit of the ABC Board, prepared by Lucas and Wood PC, from Fred Hovey, Chairman, on October 21.

The Clerk also reported that he had spoken with Bob Crowder from the League of Municipalities, and that work was progressing on the Pay & Classification Study. Mr. Crowder was currently doing a great deal of work on the Town's Personnel Manual, and hoped to have the study completed by next month.

IV. Old Business.

1. Planning Board Chair Jolene Niblack was present, and she reported that the Land Use Planning Committee had agreed at their October 24 meeting to suggest that the Board consider surveying the entire Township as part of the Land Use Plan Update. She pointed out that there was some question about what a "resident" was; the Committee had suggested sending a simple survey to those who lived outside of Town—perhaps even in the form of a newspaper survey, if cost was a factor—and a more thorough survey to Town residents.

The Mayor said that the response rate for the 1989 survey for the Land Use Plan had been very good, but that for this update the Board had agreed that more emphasis should be placed on people inside the Town limits. He had no objection, however, to a brief survey, and the Board agreed by consensus. He said that residents outside the Town limits also had a stake in the community, and it was important to hear their concerns; however, he felt that the Board wanted the people who had placed them at this table to have a very big voice in the update.

2. The Board again considered the provision of a sidewalk from Third Street to the new Post Office by Highlands Plaza owner Margaret O'Donnell. Comm. McCall said that the Zoning Ordinance required that, whenever a new commercial building was constructed on property that adjoined a segment of the Master Sidewalk Plan, it was the responsibility of the owner of the property to construct a sidewalk adjoining the property. He understood that a sidewalk was shown in that location on the Plan, and he felt the property owner should install it. The Mayor reported that he had discussed this with Ms. O'Donnell, and she had told him she felt Carbone Construction Company was responsible. The Clerk reminded the Board that he had written two letters to Ms. O'Donnell in 1995 requesting that the sidewalk be installed, and that he had also been told that she felt the contractor was responsible. The Mayor hoped that his upcoming meeting with Mr. Leroy Evans would help resolve the stalemate, and meanwhile he offered to discuss this requirement of the Zoning Ordinance with the Zoning Administrator.

V. New Business.

1. The Board again discussed a Resolution Confirming the Assessment Roll and Levying Assessments in Pinecrest Subdivision, as discussed at the previous meeting, and pursuant to an October 16 public hearing. The Clerk had researched the matter of changing the term of the assessments, as requested; he reported that two consulting attorneys at the League of Municipalities had told him that the term could not be changed at this point in the assessment procedure.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING RESOLUTION:

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**RESOLUTION CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS
PINECREST SUBDIVISION**

WHEREAS, the Board of Commissioners of the Town of Highlands has, on October 16, 1996, held a public hearing, after due notice as required by law, on the Preliminary Assessment Roll for the sewer disposal extension in Pinecrest Subdivision; and

WHEREAS, the Board of Commissioners has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct;

NOW, THEREFORE, the Board of Commissioners of the Town of Highlands, North Carolina, meeting in regular session on the 6th day of November, 1996, doth resolve as follows:

1. The Assessment Roll for the sewer disposal extension in Pinecrest Subdivision is hereby declared to be correct, and is hereby confirmed in accordance with G. S. § 160A-228, and the assessments shown thereon are hereby levied pursuant to authority granted by G. S. § 160A-216, as follows:

Georgia Allen	\$3,363.78
J. M. Whitaker	\$3,363.78
Bryan Hill	\$3,363.78
Douglas R. Tank	\$3,363.78
Betty Couch	\$3,363.78
Ruth Neijina	\$3,363.78
Georgia Sanders	\$3,363.78
Frances H. Walker	\$3,363.78
Frances H. Walker	\$3,363.78
Mrs. W. H. Britton	\$3,363.78
Nancy G. Gibbs	\$3,363.78
Nancy G. Gibbs	\$3,363.78
Marilyn R. Armstrong	\$3,363.78
Marilyn R. Armstrong	\$3,363.78
John Dundas	\$3,363.78

2. The Town Clerk is hereby directed to deliver to the Town Tax Collector the said Assessment Roll, and the Tax Collector is hereby charged with the collection of the said assessments in accordance with the procedure established by law.

3. The Town Tax Collector is hereby directed to publish on the 26th of November, 1996, a notice of confirmation of the Assessment Roll, which notice shall state that owners of assessed property shall have the option, within 30 days after the publication of the notice that the assessment roll has been confirmed, of paying the assessment in cash, or in not more than two annual installments, with the first installment with interest of 8% per annum becoming due and payable on the date when property taxes are due and payable, and one subsequent installment and interest of 8% per annum due and payable on the same date in the succeeding year until the assessment is paid in full.

This the 6th day of November, 1996.

John W. Cleaveland, Mayor

ATTEST:

Richard Betz, Town Clerk

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2. As agreed at the previous meeting, the Town had invited bids, on second advertizement, on a proposed 1996 Sewerline Replacement Project at the Highlands School for this time and place. Only one bid had again been received, from Stillwell Enterprises Inc. The bid was opened and read; the total bid price was \$68,920, and the contract time was 45 days.

MOVED BY COMM. JAMES, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO AWARD THE BID TO STILLWELL ENTERPRISES, SUBJECT TO REVIEW BY TOWN ENGINEER LAMAR NIX.

3. The Clerk reported that he had received a request from Alan Singley to install a granite bench on the Town right-of-way in front of the Old Edwards Inn, in a planting area between the brick sidewalk and the pavement on Main Street; a drawing showing the proposed location had been submitted, and Mr. Singley had reported that the plan had been approved by the owners of the Inn, Edward and Pat Benton. After some discussion, the Board agreed that the request could set a bad precedent.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO DENY THE REQUEST.

4. Comm. James had asked to discuss temporary sale signs and temporary banners, as permitted by the Zoning Ordinance. He felt that the Electric Department spent a lot of time hanging the banners. Mr. Nix confirmed that hanging and removing a banner usually involved one truck and two hours of labor for at least two men, and usually the entire crew. Comm. Calloway felt that the organizations hanging the banners were usually non-profit, and he pointed out that the Highlands Women's Club, for example, donated money to the Town. Comm. Sanders also said that he had no problem with the banners, and the Board took no action.

The Board also discussed temporary sale signs. Comm. Calloway said that he felt the Planning Board should review whether or not to continue to permit these signs, and the Board agreed.

5. The Clerk reviewed several proposed amendments to the Subdivision Ordinance which he and Mr. Nix had drafted. The amendments would clarify that paving was optional for private subdivision streets, but was required for public ones; in the current regulations, there was an inconsistency between Section 401.3(D) and Appendix C in regard to paving.

Comm. Calloway felt that streets in commercial subdivisions should be required to be paved, regardless of whether they were private or public. The Board agreed.

The proposed amendments would also specify minimum standards for street plans, and would make the subdivider's engineer—rather than the Town Engineer—responsible for certifying that streets and other improvements had been installed according to plan.

The Board agreed to send the proposed amendments, with the change regarding commercial streets, to the Planning Board for review.

6. Dennis DeWolf was present and asked the Board about the possibility of the Town providing electrical service to the gazebo currently being constructed on Macon Savings Bank property adjacent to Pine Street, perhaps in a lock box with access controlled. The gazebo was intended to be used by the public, although it was unclear who would be managing its use. The Board asked Mr. DeWolf to find out who would control access to the gazebo, but the general consensus was that the Board would not object to providing electrical service to this facility if it was for the use and enjoyment of the community.

7. Comm. McCall reported that the Highlands Fire Department had agreed for Macon County to implement fire protection fees, as authorized by Special Legislation adopted in 1985; the fees would apply to buildings and other real property improvements in a radius outside the Town limits measured five road miles from the fire station, and would be collected on ad valorem tax bills by the County, with all of the proceeds going to the Highlands Fire Department. He said that the Fire Department had held off as long as possible on the fees, relying instead on donations, and that Highlands was the only Department in the County that did not charge the fees. However, with the increasing cost of training and equipment, the Department felt that it was now necessary. Estimated revenues would be between \$75,000 and \$100,000 each year, effective next year.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ENDORSE THE FIRE DEPARTMENT'S REQUEST THAT THE COUNTY IMPLEMENT THE FIRE PROTECTION FEES.

8. The Mayor reported that he had met with Wendell Lovingood from the Southwestern North Carolina Planning and Economic Development Commission last week, who felt that he would be able to help the Town obtain some grant moneys through the Appalachian Regional Commission. The Board agreed to pursue applying for such funds.

VI. Meeting was adjourned by common consent at approximately 8:30 p.m.

Richard Betz, Town Clerk