

REGULAR BOARD MEETING of September 3, 1997, 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, Eddie Madden, Selwyn Chalker, Rosemary Fleming, Curtis Hayes, Alan Marsh, Finley Merry, Georgia Allen, and Buck Trott.

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

II. The minutes of the August 20 Regular Board Meeting had been distributed by mail.

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

III. Reports.

1. The Mayor reported that he had attended the County Board of Commissioners meeting on September 2 and presented the Town's request to extend the Macon County Water Supply & Wastewater Treatment Improvements Fund an additional ten years, as agreed at the August 6 meeting. He said the Board had been fairly receptive to the request, and had agreed to make a decision at the first meeting in November.

2. The Town Attorney had reported to the Clerk that the 4½/Poplar Street Declaratory Judgement had been filed and the parties were being served, but no date had been set for the hearing.

3. The Clerk reported that consulting engineer Victor Lofquist of W. K. Dickson Company would make a report at the next meeting.

4. Each Board member received a copy of the Public Works Director's written report for the month. Lamar Nix reported that both the Water Treatment Plant and the Wastewater Treatment Plant were working well. He also reported that he had attended an OSHA seminar in Asheville on August 19, and he understood OSHA would be visiting 20 municipalities in Western North Carolina before the end of the year; overall, he thought the Town was prepared.

5. Police Chief Jerry Cook had asked to give his oral report for the month at the next meeting.

6. Each Board member received a copy of the Recreation Director's written report for the month. Selwyn Chalker reported that demolition work on the tennis courts was underway, that the air conditioning at the Civic Center was working well, and that Mountain Findings had made a donation of \$2800. He suggested using the funds for a new foos-ball table and Aerodyne bicycle, at an approximate cost of \$1200. He also said that he had obtained an estimate of \$1500 to pave a driveway to the lower level of the Civic Center to provide handicap access, as requested at the previous meeting. The Board agreed by consensus to use the Mountain Findings donation for the foos-ball table, the bicycle, and the paving.

7. Each Board member received a copy of the Zoning Administrator's report for the month. Eddie Madden reported that he had experienced quite a bit of cooperation from owners of non-conforming signs; the deadline for removal was October 3.

Mayor Cleaveland reported that he had discussed the clearing and grading of the lot on Pierson Drive purchased by Macon County adjacent to the school with Mr. Madden; apparently, the contractor was not required to obtain a Town Land Disturbing Permit. Mr. Madden explained that he had learned that, since the owner of the land was a government entity, soil erosion would be monitored by the State out of the Asheville Regional Office; that office had already been on site and authorized work to begin. He understood that no soil erosion plan had been filed, and none would be required as long as the land disturbing activity remained under one acre. The Clerk

reiterated that he and Mr. Madden had both checked with Asheville and Raleigh Soil Erosion officials, who had confirmed that the Town had no jurisdiction over the activity. The parking lot which Town officials understood would eventually be installed on the site, however, would be regulated by the Town's Zoning Ordinance.

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

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ACCEPT THE TREASURER'S REPORT.

9. The Clerk had prepared a memo with the agenda package summarizing the possible cost of, and projected revenues from, an 80-foot antenna on Big Bearpen Mountain, as requested by the Board. He said that a cost of between \$20,000 and \$30,000 would not be unreasonable, and reported that current income from the Comair and WHLC leases was approximately \$5000 annually.

The Clerk had also prepared a memo on employee safety shoes and uniforms. He said that current policy required employees to pay the cost of safety shoes, required by OSHA, but that most other Towns offered an annual allowance of from \$60 to \$80 toward the purchase of shoes. He had also learned while conducting the survey that most area municipalities provided uniforms to public service employees. He and the Public Works Director recommended that the Town consider providing a \$50/year allowance toward safety shoes, and also obtain cost estimates for providing uniforms; the Board agreed for him to obtain the cost estimates.

IV. Old Business.

1. The Board agreed to set a work session to consider the Pay and Classification Study and proposed revisions to the Personnel Manual, recommended by the League of Municipalities in their study earlier in the year, for October 15.

2. The Mayor reported that he had spoken to Geoffrey Willett, as requested at the last meeting, to see if the time frame for the Land Use Plan update could be moved forward. Mr. Willett had agreed to tabulate the results of the question on the survey concerning areas for commercial growth, and present that to the Planning Board on September 18; the rest of the update would not be ready for some time.

The Clerk reported that he had placed on the agenda the following three petitions for re-zoning already presented to the Board and deferred pending the Land Use Plan update:

- Dr. Gerson Perry
- John P. & James W. Tate
- James Arthur Potts

He reported that he had also received the following new petitions for re-zoning, and had placed them under New Business:

- Esther W. Baty
- Georgia Allen
- Hanover House Antiques
- Marianne Williams

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO FORWARD ALL SEVEN PETITIONS FOR RE-ZONING TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION.

3. Each Board member had received copies of a revised Policy on Health Insurance and Life Insurance, as discussed at the previous meeting. The Clerk had amended the section on the eligibility requirement for retirement of full-time employees, making it consistent with the Local Government Employees Retirement System.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY

CARRIED TO ADOPT THE POLICY AS AMENDED, EFFECTIVE SEPTEMBER 15.

V. New Business.

1. The Public Works Director asked for authorization to advertize for bids on the backhoe for the Water Department; the item had been identified in the Capital Improvements Program and included in the budget for FY 97-98.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO ADVERTIZE FOR BIDS ON THE BACKHOE.

2. Finley Merry appeared before the Board regarding two instances of encroachments at his property on Horse Cove Road adjacent to the Highlands Biological Station. He said that he had erected two stone columns where two lamp posts had been, which had been brought to his attention by the Clerk several months ago; the columns appeared to be located on Town property leased to the Biological Station for 99 years. The Station had given him permission to park on the property, and had said nothing about the columns. A second instance involved a well drilled approximately seven feet outside his property line on the Horse Cove Road, which he said was already 500 feet deep when brought to his attention by the Clerk. He understood that the State D.O.T. was not sure how much right-of-way it claimed in that location, nor did it object to hemlock trees which he had planted and a retaining wall which he had constructed along the road; the well was behind the hemlock trees. He felt that he had complied with all requirements of which he was aware, but realized that permission for the structures was at the will of the Town; he said he would be willing to move them at some point in the future if necessary. Comm. Sossomon explained that Mr. Merry was his client, and that he was requesting approval of a Revocable License Agreement for the encroachments.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND CARRIED TO PREPARE A REVOCABLE LICENSE AGREEMENT FOR THE WELL, AND TO WRITE TO THE HIGHLANDS BIOLOGICAL STATION TO SEE WHAT THEIR POSITION IS ON THE STONE COLUMNS. Comm. Sossomon abstained.

3. The Clerk reported that the Town's 20-year lease agreement with the Town of Highlands Board of Alcoholic Beverage Control for the ABC building was about to expire on September 30, 1997. He said he had prepared a Memorandum of Renewal of Lease; the term would be for ten (10) years, and the terms and conditions would otherwise remain the same.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO RENEW THE LEASE FOR AN ADDITIONAL TEN YEARS.

4. The Clerk reported that the Highlands Rotary Club and the Interact at Highlands School had requested permission to hold a street dance on Pine Street in October; the three dances held thus far by the Episcopal Church had apparently been a success. The Board agreed by consensus.

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

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

Richard Betz, Town Clerk