

REGULAR BOARD MEETING of September 17, 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, Buck Trott, Dr. Amy Patterson, Georgia Allen, Curtis Hayes, Charlie Gibson, and others.

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

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

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

III. Reports.

1. The Mayor reported that Susie DeVille, Director of the Peggy Crosby Community Service Center, had given Town officials a tour of that facility prior to the meeting. He said that the Center provided a lot of services to the people of Highlands, and felt that the Town was lucky to have it.

2. The Town Attorney had reported to the Clerk that the parties were still being served in the 4 $\frac{1}{2}$ /Poplar Street Declaratory Judgement matter; 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. The Clerk reported that, following up on Comm. James's report of August 20 on a meeting with Highlands Country Club and V-Z Top officials, he was pursuing the possibility of obtaining funding for the Lake Sequoyah Sewer Line Project; the proposed sewer line would eliminate discharges into the lake from package treatment plants.

He also reported that he had received a letter from Charles Cooper, informing him that he was continuing to receive formal bids on the construction of a telecommunications tower on Big Bearpen Mountain; he hoped to meet with him next week to review the bids.

The Clerk reported that the Macon County Waste Reduction Advisory Committee was considering several changes to the County's solid waste program. At the previous meeting of the WRAC, he had agreed to meet with Franklin Town Administrator Joey Stark to discuss how the program would impact the two Towns. He said he would prepare a written report on some of the alternatives being discussed prior to the next meeting, and would place this item on the agenda.

He also reported that he had written a letter to The Franklin Press pointing out an error in one of their community columnist's articles.

The article had stated that the ammonia reading in the Cullasaja River from the Town's Wastewater Treatment Plant was "nine times higher than the State allows;" in fact, actual readings for the month had averaged less than half what was permitted.

The Clerk had also re-arranged the table and chairs in the meeting room on a trial basis for better acoustics. He said that the cost of a sound system for the room would be between \$500 and \$600, but he recommended obtaining a new table instead.

IV. Old Business.

1. The Clerk reported that he had not yet received cost estimates for providing uniforms to employees, as discussed at the previous meeting.

2. Each Board member had received a copy of a letter dated September 16 from Dr. Richard C. Bruce, Executive Secretary of the Highlands

Biological Foundation Inc., concerning permanent encroachments on Town property leased to the Biological Station by Finley Merry, as discussed at the previous meeting. The letter asked Mr. Merry to remove several items from the property and to not maintain the area as a yard, but said that he was referring the matter of the two stone columns and parking area to the Executive Committee of the Foundation, which will meet on November 1.

The Mayor asked about other encroachments by Mr. Merry. The Clerk and Zoning Administrator presented a copy of the survey which Mr. Merry had shown the Board at the previous meeting, which had been provided them since then, and the Board reviewed it. It was noted that two stone walls were also within the right-of-way of Horse Cove Road, and that a parking area was located on the Biological Station leased property.

Comm. Calloway said that he had understood from Mr. Merry at the previous meeting that the Biological Station had permitted him to park on the property, but in fact it appeared from Dr. Bruce's letter that no permission had been given. He made A MOTION that all items be removed from the right-of-way of Horse Cove Road and from the property leased to the Biological Station, including all of the walls, the columns, the hemlock trees, and the parking area. Comm. McCall seconded the motion. The Clerk confirmed that the motion did not include the well which had been drilled within the right-of-way of Horse Cove Road, as approved at the last meeting pending execution of a Revocable License Agreement.

Amy Patterson was present, and said that she had a personal interest as the owner of adjoining property. She confirmed that Mr. Merry had constructed a retaining wall and placed fill on the Biological Station property to create a parking area; she said that when the parking area was full, she could not access her property. The Mayor said that it appeared that Mr. Merry had created permanent parking on someone else's property. Dr. Patterson said that all of the corners on the property had been well marked when construction began, and she had informed Mr. Merry that he was not on his property; he had apparently chosen to ignore her.

THE MOTION CARRIED. Comms. Calloway, McCall, Sanders, and James voted "aye." Comm. Sossomon abstained; he stated that he represented Mr. Merry.

V. New Business.

1. Each Board member had received a copy of a proposed Ordinance Regulating Open Burning, drafted at the request of the Fire Chief, Comm. Mike McCall, by Town Planner E. H. Madden. Mr. Madden briefly summarized the proposal for the Board, pointing out that the Town currently had no regulations prohibiting open burning except in the Fire District. He said that he had received input from Bob Houston as well as the Fire Chief.

The Mayor commented that several people had expressed concern over slow, smoldering fires that went on for several days; he felt there should be some way to regulate how long a fire is kept going. Comm. James agreed that a fire should be out by the next day. Comm. Calloway said he would like to review the proposal, and the Board asked the Clerk to place this item on the agenda for the next meeting.

2. Each Board member had received a copy of a letter dated September 17 from Sherry Sims, Pharmacist at Highlands Pharmacy, requesting that the Town designate a handicapped parking space in front of her business. She said in the letter that she received many complaints from oxygen patients, wheelchair-confined patients, heart patients, and the elderly that it was difficult to find a parking spot within a reasonable distance of the Pharmacy. The Clerk confirmed that there was currently a 15-minute parking space near the entrance of the Pharmacy, and a curb cut nearby, but no handicapped parking space in the immediate vicinity; the nearest such space was in front of

Oak Square, on the opposite side of Main Street.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO DESIGNATE A HANDICAPPED PARKING SPACE IN FRONT OF HIGHLANDS PHARMACY AT THE CURB CUT.

3. The Clerk had distributed copies of a proposed amendment of the Policy on Health Insurance and Life Insurance, adopted at the previous meeting. The amendment would permit elected officials and volunteer firemen to be eligible for a \$10,000 Employee Life and Accidental Death & Disability Plan, and retired employees to be eligible for a \$5,000 plan, at a minimal cost to the insured party and at no cost to the Town.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE AMENDED POLICY.

4. The Clerk reported that the petition for re-zoning received from John P. & James W. Tate, which had been referred to the Planning Board at the previous meeting, had been withdrawn pursuant to a letter from James Tate dated September 12.

5. The Clerk reported that a petition for re-zoning dated September 16 had been received from Dan Haddad for his piece of property on the west side of Fifth Street between Laurel & Chestnut, from R-2 to B-3; the petition had not been received in time to be placed on the agenda. He reminded the Board that Geoffrey Willett would be meeting with the Planning Board to review part of the results of the Land Use Survey on September 18, as reported at the previous meeting, and that the Planning Board would be considering all of the petitions at their September 22 meeting.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO REFER THE PETITION TO THE PLANNING BOARD FOR ITS RECOMMENDATION.

6. MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(a)(6) TO REVIEW APPLICATIONS FOR EMPLOYMENT IN THE TRIMMING CREW. The Clerk reported for the record that this was a permissible reason to go into Closed Session under the Open Meetings Law. Except for Town staff, all those present left the meeting room. Curtis Hayes requested to be notified when the Board went into Open Session.

The Board reviewed applications for employment from Larry Holt,
David Carver, and William Maier.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. Curtis Hayes was invited back into the meeting room.

7. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO EMPLOY LARRY HOLT AS A "SWING MAN" IN THE TRIMMING DEPARTMENT, AT A BEGINNING ANNUAL SALARY OF \$17,671 (PAY GRADE 10-1).

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

Meeting was adjourned at approximately 7:45 p.m.

Richard Betz, Town Clerk