

REGULAR BOARD MEETING of April 22, 1998, with Mayor Buck Trott and Commissioners H. N. James, Mike McCall, Ron Sanders, Zeke Sossomon, and Amy Patterson present.

Also present were Richard Betz, Lamar Nix, Eddie Madden, Bill Coward, Alan Marsh, Ninian Bond, David Johnston, Rosemary Fleming, David Hourdequin, Bill Mann, Bonnie Pickartz, Moyna Monroe, and Curtis Hayes.

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

II. The Mayor asked that resolutions relating to the National Day of Prayer and International Migratory Bird Day, as well as discussion of a letter from attorney Peter Paul on behalf of Finley Merry, be added to the agenda.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO AMEND THE AGENDA.

III. The minutes of the April 1 Regular Board Meeting had been distributed by mail.

MOVED BY COMM. SANDERS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES.

IV. Reports.

1. The Mayor reported that he had attended a meeting of North Carolina Alive in Bryson City, a group which was establishing at the request of the Governor a network of accessible information across the State. It was also reported that work on the Town's web site was progressing.

2. Each Board member had received a copy of the Town Administrator's report. Included with the report were drafts of a Pole Attachment Ordinance and a Cemetery Ordinance, which would be placed on the agenda of the May 6 meeting.

V. Old Business.

1. The matter of discussion of a full-time employee on the front desk at the Civic Center was deferred until budget work sessions.

2. The Board again discussed a fee for disposal of waste from a septic tank pumping truck, as discussed at the April 1 meeting. It was understood that disposal of the waste would only be permitted at the convenience of personnel operating the Wastewater Treatment Plant.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO SET A FEE OF \$35.00 FOR A 1500 GALLON TRUCK, AND \$50.00 FOR A 2500 GALLON TRUCK.

3. Comm. McCall reported that he had contacted Thomas Hixon of Western Carolina Communications Inc., who was under contract for the Town's communication equipment maintenance, concerning the Big Bearpen Antenna; although he was still obtaining information, he thought it would be feasible to add 20 feet to the existing antenna on site currently leased to Comair. He would have the information at the next Board meeting.

4. Each Board member had received copies of the Master Sidewalk Plan, as requested at the April 1 meeting. The Clerk explained that the Zoning Ordinance required property owners to install a sidewalk for new commercial development when the property adjoined a sidewalk identified as "Future Commercial." Comm. James felt that sidewalks should be required for all commercial property. He also felt that a 4-foot width was not adequate, and that a 2-foot grass strip should be required between the sidewalk and the curb. Comm. McCall wondered if sidewalks should be required on both sides of some roads, or in

all commercial districts. It was pointed out that the Land Use Planning Committee had been discussing a sidewalk on Spring Street, and would be reporting to the Board in the near future. By consensus, the matter was tabled pending receipt of that report.

5. The Board considered on second reading a franchise agreement with Highlands Cable Group; the first reading had been held on April 1. Each Board member had received a revised copy of the agreement with the agenda package, incorporating the suggestions made after the first reading, as well as several minor administrative changes which, according to a letter from David Harris, did not impact the original intent, but made the draft compatible with the Town Ordinance. The Board was concerned, however, that it had not had sufficient opportunity to review the changes before adoption. It was also pointed out that Appendix B, the Construction Schedule, had been omitted from the second draft.

MOVED BY COMM. MCCALL, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO POSTPONE ADOPTION OF THE FRANCHISE AGREEMENT UNTIL THE MAY 6 MEETING.

#### VI. New Business.

1. Each Board member had received a copy of a first draft Pole Attachment Ordinance, as well as a second draft of the Ordinance distributed with the agenda package, incorporating some minor changes recommended by the Town Attorney. Some Board members wondered if it was clear that the Ordinance would apply to both cable TV franchises, including the Highlands Cable Group agreement just discussed. The Town Administrator pointed out that the Cable TV Ordinance recently adopted required compliance with the Town's technical standards, which would include this Ordinance, but the consensus of the Board was that reference should specifically be made to this Ordinance in both franchise agreements. Bill Coward suggested that a sentence be added to Section 1(b) of the agreements indicating that compliance with the Ordinance was required. The Town Administrator agreed to contact David Harris, have the changes made, and provide a revised copy before the next meeting.

2. David Hourdequin was present to request an extension of time for installation of improvements in Bob Morris's Highlands on Satulah Subdivision, approved on June 4, 1997. Mr. Hourdequin explained that the water system in the subdivision had originally been designed using a publicly-owned pump station to be located on Town property, but they had now decided to provide a privately-owned and -maintained pump station internally, on one of the lots. He said that it would take at least 30 days for approval by the State, and requested a time extension of 90 days; the subdivision was otherwise 97% to 98% complete.

Public Services Administrator Lamar Nix reported that the subdivision has originally been approved contingent on a pump station to have been installed by either Mr. Haack, who owned the Hobson Land Company subdivision adjoining Highlands on Satulah, or by Mr. Morris; it would also have to be large enough to serve both subdivisions. He had been approached by W. K. Dickson and by Mr. Hourdequin concerning the change in plans, but had felt that he did not have the authority to approve it. He wanted to make it clear that the system being proposed tonight would be adequate only for the Morris subdivision.

Comm. James felt that the Town should not hold Mr. Morris responsible for the development of Mr. Haack's property; when the Haack property was developed, it would be required to provide its own pump station.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO EXTEND THE DEADLINE FOR INSTALLATION OF IMPROVEMENTS IN HIGHLANDS ON SATULAH SUBDIVISION NINETY (90) DAYS, AND TO PERMIT USE OF A PRIVATELY-OWNED AND -MAINTAINED PUMP STATION.

COMM. SOSSOMON LEFT THE MEETING ROOM TEMPORARILY.

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

**RESOLUTION PROCLAIMING  
NATIONAL DAY OF PRAYER IN HIGHLANDS**

**WHEREAS**, the history of our Nation is indelibly marked with the role that prayer has played in the lives of individual Americans, and indeed the United States as a whole; and

**WHEREAS**, our greatest leaders have always turned to prayer in times of crisis; and

**WHEREAS**, we acknowledge that prayer is a deeply personal experience—the way in which it finds expression depends on our individual dispositions as well as on our religious convictions; and

**WHEREAS**, the virtues of prayer have a common bond—our hope and aspirations, our sorrows and fears, our deepest remorse and renewed resolve, our thanks and joyful praise, and most importantly our love—all turned toward God; and

**WHEREAS**, I join with our President and the Governors of our United States and invite all citizens of the Town of Highlands to join me in earnest prayer for our Nation, our State, and our Town.

**NOW, THEREFORE**, I, Allen L. Trott, Mayor of the Town of Highlands, do hereby declare Thursday, May 7, 1998, as

**NATIONAL DAY OF PRAYER**

in the Town of Highlands, North Carolina, and encourage my fellow citizens to join in prayer, asking that God's light may illuminate the minds and hearts of our people and our leaders, so that we may meet the challenges that lie before us with courage and wisdom and justice.

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Allen L. Trott, Mayor  
Town of Highlands

4. MOVED BY COMM. SANDERS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING RESOLUTION:

**RESOLUTION PROCLAIMING  
INTERNATIONAL MIGRATORY BIRD DAY  
Saturday, May 9, 1998**

**WHEREAS**, conservation of our important bird populations on the Highlands Plateau reflects the environmental concerns of our entire mountain community, and

**WHEREAS**, populations of our migratory birds returning to their nesting habitats on the Highlands Plateau and throughout the Americas are seriously endangered and declining.

**NOW, THEREFORE,** I, Allen L. Trott, Mayor of the Town of Highlands, do hereby encourage my fellow citizens to join with hundreds of communities across the country and our local Audubon Society in our celebration of International Migratory Bird Day on Saturday, May 9th, asking for the personal commitment of our businesses, schools, churches, and organizations to join with our Audubon Chapter celebration and do all we can to preserve one of the most unique mountain wildlife environments for generations to come.

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Allen L. Trott, Mayor  
Town of Highlands

5. David Hourdequin was present to request installation of ham radio antennas at the Peggy Crosby Center on South Fifth Street; he had discussed the matter with Susie DeVille, Director of the Center. He said that, in addition to using the antennas personally, they could provide communications in the event of a natural disaster, and could also be used to start an amateur ham radio club for children. He said he had all of the equipment, and was willing to pay rent at the Center and the cost of the antennas. The antennas would be mounted on a single tubular mast 20 to 25 feet in height, replacing a 12-foot television antenna on the roof; there would also be a wire antenna in the trees, which would be nearly invisible.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO TAKE THE REQUEST UNDER ADVISEMENT UNTIL THE NEXT MEETING.

COMM. SOSSOMON RETURNED TO THE MEETING ROOM.

6. The Clerk reported that he had written to Finley Merry on April 14, informing him that, if not removed by 12:00 noon on April 24, the Town would remove the encroachments on its property leased to the Biological Station and bill the cost to him. Each Board member received a copy of a letter dated April 21 from attorney Peter A. Paul, regarding the rock columns which, according to the letter, the Town "alleges encroaches on [Mr. Finley Merry's] property," and requesting "an additional three (3) weeks in which to see what we may accomplish in terms of resolving this matter with the Town of Highlands."

The Mayor said that he understood that the request was precipitated by the wedding of Mr. Merry's daughter, and Comm. Sossomon confirmed that Mr. Merry had told him that. Comm. Patterson pointed out that that information was not in the letter; moreover, she was concerned about the language in the letter indicating that the matter needed to be resolved. Comm. James agreed; he said the matter had already been resolved. He suggested that the extension of time be permitted, but only on condition that all improvements on the property be removed. Town Attorney Bill Coward agreed that the words "allege" and "resolving the matter" left the matter open to question; he suggested that the only way to ensure compliance would be to have Mr. Merry sign a waiver, agreeing to remove the encroachments if the extension of time is granted.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND CARRIED TO DENY THE REQUEST. Comm's. James, McCall, Patterson, and Sanders voted "aye;" Comm. Sossomon abstained.

7. The Mayor reported that the Town had been discussing the problem of parking on Main Street for many years, and he was continuing to receive comments from both merchants and residents alike concerned about the situation. According to previous parking studies, the problem was not enough parking spaces, it was parking flow; merchants and employees were continuing to park downtown. He had discussed

the problem with the Chamber of Commerce, and had been told that, while effective during the first part of the season, a voluntary program lost its effectiveness as the season progresses. He asked the Board for their thoughts on the matter.

Comm. McCall pointed out that the last time the problem had been reviewed by the Street Committee, it had been determined that most of the cars had been owned by merchants or their employees; he felt there was no problem. Comm. Sanders agreed; he referred to several merchants who were continuing to park in public spaces. Comm. Sossomon felt that the only option the Town had was some kind of timed parking. Comm. McCall said he was opposed to that solution.

Comm. James asked if the Land Use Planning Committee would be studying this problem; Eddie Madden replied that the Committee would be addressing congestion in the downtown area. The Mayor felt that there would be no change unless some kind of time limit was imposed.

8. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO REVIEW APPLICATIONS FOR THE POSITION OF STREET SUPERINTENDENT PURSUANT TO G.S.§143-318.11(a)(6), AND TO DISCUSS THE ACQUISITION OF REAL PROPERTY PURSUANT TO G.S.§143-318.11(a)(5). All present left the meeting room except Town staff.

- A. The Board reviewed applications for the position of Street Superintendent with the Public Services Administrator.
- B. The Board discussed two matters involving the acquisition of real property.

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

9. MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO AUTHORIZE THE PUBLIC SERVICES ADMINISTRATOR TO INTERVIEW APPLICANTS FOR THE POSITION OF STREET SUPERINTENDENT, AND TO PLACE THIS MATTER ON THE AGENDA OF THE MAY 6 MEETING.

VII. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at approximately 9:30 p.m.

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Richard Betz, Town Clerk