

REGULAR BOARD MEETING of May 20, 1998, with Mayor Buck Trott and Commissioners H. N. James, Mike McCall, Ron Sanders, and Amy Patterson present.

Also present were Richard Betz, Bill Coward, Lamar Nix, Sylvia Sammons, Richard Rhodes, Lance Hollars, Clem Patton, Scott Moore, Rosemary Fleming, Virginia Fleming, Hank Urbanek, Cynthia Strain, Moyna Monroe, David Hourdequin, Frieda Bennett, several members of her Highlands School class, Curtis Hayes, and others.

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

II. The Clerk reported that the Town Attorney had requested meeting with the Board in closed session, pursuant to G. S. §143-318.11(a)(3), to consult on legal matters. The Mayor briefly explained to those present the purpose of a closed session, and emphasized that all decisions of the Board were made in open session.

MOVED BY COMM. MCCALL, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

III. The minutes of the May 6 Board Meeting had been distributed by mail. Copies of a letter dated April 13, 1998, from The Highlander newspaper, received hand-delivered at the Town Office on May 12, 1998, requesting that those minutes be corrected, had been distributed with the agenda package.

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

IV. Reports.

1. The Mayor reported that he had attended a regional meeting of Connect North Carolina in Asheville the previous week; the purpose of the organization was to make government more accessible to the public on the internet.

The Mayor reported that the swimming pool had passed a Health Department inspection and would be opening on Monday, May 25.

The Mayor reported that he had met with representatives from the Department of Aging, who were interested in expanding a meals program into Highlands.

2. The Town Administrator reported that he had received a letter from William E. Anderson dated May 8, 1998, informing the Town that he and Roy Davis had conducted a unannounced Compliance Evaluation Inspection at the Wastewater Treatment Plant. The letter stated that the facility was producing clear effluent and was "considered to be in compliance with permit requirements."

The Town Administrator reported that he had been discussing the request last February from King Young for two stone columns identifying the Satulah Historic District on Satulah Road with Mr. Young and with the Town Attorney. He had discovered that Satulah Road had a 60-foot right-of-way, and he felt that under these circumstances it would be preferable to obtain an agreement from George Heery, the individual who was proposing paying for the cost of having the columns erected, rather than from the property owners adjacent to the proposed site; the Historic District property owners themselves had no association or officers to execute an agreement.

He had received a letter dated May 13 from Mr. Heery assuring the Town that he was not claiming the right-of-way and would personally guarantee to have the columns removed if the Town needed the right-of-way for any reason. Comm. James agreed that Mr. Heery could be the party to such an agreement, but felt that it should be recorded, and asked that the Clerk prepare a Revocable License Agreement for execution by him.

V. Old Business.

1. Comm. McCall and Comm. Sanders had met and reviewed bids on an antenna tower on Big Bearpen Mountain. Comm. McCall said his ad hoc committee recommended that the Town consider purchasing a tower and erecting it primarily with Town forces. The low bid was a tower from Rohn for \$9,998, which was designed for 1" ice load and 125 mph winds. The second lowest bid was from CTI for \$10,349 for 1" ice load, \$11,089 for 2", and \$12,302 for 3". Comm. James suggested that a price be obtained from Rohn for 2" and 3" ice load. The Board agreed to proceed with obtaining these prices, as well as a design for the foundation from the tower manufacturer, the estimated cost of the Town constructing the foundation and erecting the tower, and shipping costs.

2. David Hourdequin submitted a drawing for a ham radio antenna at the Peggy Crosby Center, as requested at the previous meeting. Mr. Hourdequin said the mast would be constructed of 2" diameter aluminum 20 feet high, but he did not believe it would be visible from Fifth Street because of its location at the extreme east end, or rear, of the building. The wire antenna would be #14 copper wire approximately 120 feet long and 50 feet in the air.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO PERMIT ERECTION OF THE ANTENNA, PROVIDED THAT IF THERE IS ANY INTERFERENCE WITH TELEVISION RECEPTION, IT MUST BE REMOVED.

3. The Board again considered a Pole Attachment Ordinance. The Clerk reported that the phrase requested by Comm. Sossomon had been inserted in Section 4, and an Application for Attachment to Poles had been attached. The Board discussed the Ordinance in some detail. Clem Patton commented on the lack of any recourse by the Town when a pole is abandoned and the Grantee is notified to vacate the pole, and also the limit on the number of wires. Lamar Nix felt that the Town should not be in a position of moving the Grantee's equipment. Comm. James agreed; he felt that perhaps a longer time limit than the 30 days provided for in the Ordinance should be given, but that a fine should be imposed if the abandoned pole is not vacated. After additional discussion, the Board agreed to change the time limit in Sections 14 and 16 from 30 days to 60 days, and to add a provision for a fine of \$100 per day to Section 16. Town Attorney Bill Coward suggested replacing the words "contingent on" with "pursuant to and in compliance with" in the final paragraph of the Application for Attachment to Poles.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO ADOPT THE ORDINANCE, EFFECTIVE THIS DATE, CONTINGENT ON THE FOREGOING CHANGES.

4. Each Board member had received a corrected copy of the proposed Cemetery Ordinance discussed at the previous meeting. Since some Board members had not received their agenda packages until the previous day, it was agreed to defer consideration of this item until the next regular meeting.

5. The Board again discussed appointments to various Boards and Committees. The Clerk reported that Eddie Madden had obtained some names of interested citizens as a result of his advertizing in the newspaper, and had also talked with some Board members whose terms were expiring, but he was out of Town; he recommended deferring action on the appointments until the next meeting. The Mayor suggested that the Board discuss policy on term limits, residency, and absenteeism, and the Board did discuss these issues at some length. Comm. James noted that, since Appearance Commission members had to reside within Town, either all Planning Board members should also reside within Town or there should be two separate Boards. He felt that absenteeism should be limited to 3 or 4 meetings missed, and perhaps a limit of two terms. Comm. Patterson felt that the absenteeism policy should also include the number of absences over a period of time. The Board asked if Zoning Board members could

be removed for absenteeism; the Clerk reported that while Planning Board members served at the pleasure of the Board, he felt that the Board might not be able to remove members of the Zoning Board, since it was a quasi-judicial body. It was agreed that this point should be reviewed. It was also agreed that the Clerk should work with Eddie Madden on drafting a policy on term limits and absenteeism after securing input from members serving on these Boards.

6. Copies of a revised proposal for annual landscape maintenance had been prepared by Lance Hollars of Group One; the amount was \$5800, the same as last year.

MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ACCEPT THE PROPOSAL.

VI. New Business.

1. David Hourdequin explained to the Board that the booster pump approved for the Bob Morris subdivision, if installed, could sit dormant for as long as two to three years and rust out before being placed into operation. Plans for the pump were currently being designed by W. K. Dickson Company and were scheduled to be sent to the State for approval. He requested approval of the final subdivision plat contingent on those plans being approved by the State, and adequate money being placed in escrow in an interest-bearing account for the installation of the pump; no Certificates of Occupancy would be issued for residences in the subdivision until the pump had been installed. Lamar Nix asked if the electrical improvements would be installed now or later; he noted that the cost of electrical service to the pump would be more than the cost of the pump. Mr. Hourdequin said he would prefer to wait until later to install electrical improvements as well. He thought the cost of the pump would be from \$8000 to \$10,000. Mr. Nix felt that such an arrangement would be contrary to the Town's subdivision policies. Comm. James felt that the interest from the escrow account should accrue to cover increasing installation costs in the future. He said he did not object to an improvements guarantee as provided for in the subdivision regulations, provided an escrow agreement was prepared by the Town Attorney at Mr. Hourdequin's expense.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO PROCEED WITH HAVING THE TOWN ATTORNEY PREPARE AN ESCROW AGREEMENT GUARANTEEING THE INSTALLATION OF ALL IMPROVEMENTS FOR THE PORTION OF THE SUBDIVISION DEPENDENT ON THE PUMP, BASED ON COST ESTIMATES TO BE OBTAINED BY MR. HOURDEQUIN AND REVIEWED BY THE TOWN ENGINEER.

2. Two sealed bids had been received for 1998 paving. The Clerk reported that the threshold for formal bids in the General Statutes was now \$100,000, and therefore neither formal bid procedure nor the minimum of three bids was necessary. The following bids were opened and read:

- Rhodes Brothers Paving Inc.....\$63,177.80
- HMC Paving Inc.....69,628.00

The Rhodes Brothers bid was accompanied by a bid bond and a performance bond; the HMC Paving bid was accompanied by a cashiers check as bid deposit.

MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO AWARD THE PAVING CONTRACT TO THE LOW BIDDER.

VII. Budget Work Session.

1. The Clerk reported that the Finance Committee had met on April 29 and discussed the construction of brick sidewalks as part of the Main Street project. The Committee had agreed that the property owners adjoining the sidewalk should be asked to participate in 50%

of this expense, estimated at \$111,150, since other property owners in the downtown area had done the same for brick sidewalks for several years.

The Board then discussed the relative merits of brick sidewalks with several persons present at the meeting. Cynthia Strain commented that she felt brick was very slick when it had a little ice on it; she felt concrete would be safer. The Mayor disagreed; he had found that the brick sidewalk in front of the Episcopal Church was no slicker. Rosemary Fleming expressed concern over frost heaves and uneven surfaces; Lamar Nix explained that this would not be a problem because the sidewalks were designed with a concrete base. Sylvia Sammons commented that the brick sidewalk on the South Fourth Street hill did not provide as good traction as concrete; she felt there were other ways to beautify Town than with brick sidewalks. She also expressed concerns over adequate textured surfaces, or perhaps colors, identifying ramps at intersections for those with vision impairments. Lance Hollars commented that bricks gave better wear, and did not deteriorate with salt as concrete did. The Clerk and Town Engineer both pointed out that design on this project was far advanced; plans were nearly ready to be submitted to the D. O. T. for an encroachment permit.

Comm. James felt that the property owners along Main Street should be contacted to see if they would be willing to pay the cost of the brick sidewalks.

2. The Clerk reported that the Finance Committee had also discussed financing of the Mirror Lake Pressure Sewer Main Project approved in February. Comm. James said he felt the Highlands-Cashiers Hospital and Chestnut Hill ought to help pay for the line, since they were causing much of the problem. He asked Lamar Nix how much the Sherwood Forest Pump Station had cost in repairs. Mr. Nix estimated at least \$30,000 in repairs in the last four years; he added that the cost of replacing the pump station was estimated at \$120,000-130,000, and reminded the Board that that was why the project had been approved. Comm. McCall agreed with Comm. James; he also expressed concern that the line benefitted only the hospital and Chestnut Hill, a private development outside of Town. He pointed out that residents inside Town had to pay the cost to come to the Town sewer. Comm. Patterson felt this was a different situation, as the hospital was already served by sewer and had paid the cost of its line. Comm. James pointed out that the Town was providing sewer service to a large segment of the County; he felt they should be given the opportunity to pay for this project. The estimated cost of the project was \$120,000, with construction predominantly by Water Department personnel, although Mr. Nix said that a private contractor might be needed to assist in some of the work.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED THAT HIGHLANDS-CASHIERS HOSPITAL AND CHESTNUT HILL BE REQUESTED TO PAY FOR HALF THE COST OF THE PROJECT.

3. The Clerk reported that the Finance Committee had also discussed electric rates. He said that, as reported earlier in the fiscal year, overall revenues from retail electric sales have been much higher than projected, partly due to the reduction in the wholesale rate from Nantahala negotiated by the Town's attorneys last year, and partly due to the mild winter and consequently low purchased power adjustment. It appeared that residential rates were comparable to Haywood's and Nantahala's, but commercial rates were higher than both. The Committee had therefore recommended rolling commercial rates back to the rates in effect on June 1, 1996, which were increased on June 1, 1997 about 3% on average. This would result in a projected net decrease in revenues of \$65,000 for the coming fiscal year, while still generating adequate funds for operation of the department.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING COMMERCIAL ELECTRIC RATES, EFFECTIVE JULY 1, 1998:

Basic Charge (single phase) \$10.50
Basic Charge (three phase) \$19.00

First 1000 KWH: .115
Next 2000 KWH: .065
All over 3000 KWH: .050

Demand Over 10 KWH: \$3.90

4. The Board agreed to call a Special Meeting for March 27 at 7:00 p.m. for the purpose of receiving the FY 98-99 Budget.

5. The Clerk discussed with the Board requests for additional employees in the Police, Recreation, and Water Departments. It was agreed that this matter should be deferred until later in the budget process.

6. Each Board member had received copies of a letter from the Macon County Humane Society requesting funding in the amount of \$5000; the amount last year was \$2000. Each Board member had also received copies of a letter from the Hudson Library Committee requesting funding in the amount of \$12,000; the amount last year was \$2,500.

7. Cynthia Strain said that she had received complaints on the condition of the Town restrooms. She also said that she felt it was important for the Board, when considering employee salaries, to pay a living wage. Mayor Trott informed her that the Board had adopted the recommendations of a Pay Study last year.

8. Lamar Nix reported that he had met yesterday with Joel Setzer, District Engineer, and learned that the D. O. T. had approved construction of sidewalks along the western side of South Fifth Street from Highlands School to South Street, and along the eastern side of North Fourth Street from Bryant Funeral Home to Chestnut Street; both sidewalks were on the Master Sidewalk Plan.

He also reported that he had met today with Reuben Moore, Traffic Engineer, and discussed construction of signal arms at two Main Street intersections; the D. O. T. would be funding both the design and construction. The signals would include Walk/Don't Walk signs, but Mr. Nix said that Mr. Moore had recommending not installing audible signals since they could be confusing at 90° intersections. Sylvia Sammons commented that she was familiar with such signals and they were not confusing; Mr. Nix agreed to discuss this further with Mr. Moore.

Mr. Nix also reported that the D. O. T. recommended installing a left-turn lane going east on Main Street at Fourth Street, which had also been recommended in the 1996 Planning Board study. The two alternatives for the turn lane consisted of (1) retaining the rock planter and tree in the center of the street and replacing four diagonal spaces adjacent to the House of Wong/Stone Lantern property with parallel or compact car spaces; or (2) removing the rock planter and tree and replacing three to four diagonal spaces in the center of the street with the turn lane. The consensus of the Board was to retain the planter and tree.

9. Comm. Trott explained that the Board needed to go into Closed Session, and that due to the physical structure of the building, it would be necessary to ask those present to leave the building; he said they were welcome to remain on the covered deck in the rear of the Town Hall.

Cynthia Strain asked how much money the Town had spent on legal fees and surveying in the Town of Highlands v. Edwards lawsuit. She then asked the Town to drop the lawsuit and abandon its plans to extend Poplar Street. She said that the great majority of the people in Town did not support the project, and she felt it was a waste of taxpayers' money.

MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO CONSIDER THE RECOMMENDATION OF THE SCHOLARSHIP COMMITTEE ON AWARDING TOWN SCHOLARSHIPS, PURSUANT TO G.S. §143-318.11(a)(2), AND TO CONSULT ON LEGAL MATTERS WITH THE TOWN ATTORNEY PURSUANT TO G.S. §143-318.11(a)(3).

All those present left the meeting room except Town staff.

- A. The Board considered the recommendation of the Scholarship Committee on awarding Town Scholarships, pursuant to a letter dated May 19 from Orville Coward.
- B. The Board gave instructions to the Town Attorney concerning the Town of Highlands v. Edwards et. al. lawsuit with respect to Fifth Street and the Kelsey Trail.

MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. Several persons waiting outside were invited back into the meeting room.

10. MOVED BY COMM. PATTERSON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO ACCEPT THE RECOMMENDATION OF THE SCHOLARSHIP COMMITTEE ON AWARDING TOWN SCHOLARSHIPS.

VIII. MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, 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 10:00 p.m.

Richard Betz, Town Clerk