

REGULAR BOARD MEETING of June 17, 1998, with Mayor Buck Trott and Commissioners H. N. James, Mike McCall, Zeke Sossomon, Amy Patterson, and Ron Sanders present.

Also present were Richard Betz, Lamar Nix, Eddie Madden, Virginia Fleming, Rosemary Fleming, Hank Urbanek, Jim Tate, Jim Ramsdell, Tom Clark, Steve Pierson, David Hourdequin, Doug Campbell, Alan Marsh, James Jones, Linda Jones, and Curtis Hayes.

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

II. The Clerk asked the Board to consider adding two items to the agenda: (1) adoption of Cemetery Fees and (2) a parking problem on Laurel Street.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA.

III. The minutes of the June 3 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that he and former Mayor John Cleaveland had attended a presentation on the Little Tennessee River Reclamation Project in Franklin. The proposed project, to be located on land donated to the Town of Franklin by Nantahala Power, would be funded by the Clean Water Management Trust Fund.

2. The Mayor reported on an ongoing radar study which Police Chief Jerry Cook was conducting at his request using radar equipment borrowed from the Town of Franklin. The Police Chief had documented several speeding violations, including a vehicle clocked at 67 mph in a 35 mph zone. The Mayor felt that radar would be effective in Highlands even if only warning tickets were issued and the location of the radar checkpoint publicized. He said he would like the Board to take this matter under advisement and discuss it again in the future.

3. Each Board member had received a copy of the Town Administrator's report with the agenda package. Richard Betz also reported that he had discussed outdoor firing ranges with consultants from the League of Municipalities and the Attorney-General's Office, as well as with the Town's General Liability insurance carrier; he distributed copies of a draft policy which he had prepared in consultation with Police Chief Cook, and asked the Board to review it.

V. Old Business.

1. The Board reviewed a re-drafted policy on appointments to Boards and Committees which had been discussed at the June 3 meeting; copies had been distributed with the agenda package.

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

POLICY ON APPOINTMENTS TO BOARDS & COMMITTEES

The following shall be the policy of the Board of Commissioners in making appointments to Boards and Committees of the Town, effective upon adoption.

1. In accordance with Section 801 of the Zoning Ordinance, Section 2-67 of the Code of Ordinances, and G. S. § 160A-451, the Planning Board and the Appearance Commission shall be two separate Boards. A majority of members of the Planning Board, including its Chairman, shall reside within the corporate limits of the Town.

All members of the Appearance Commission shall reside within the corporate limits of the Town. Members of the Planning Board may also serve on the Appearance Commission, provided they reside within the corporate limits of the Town. Additional members are to be appointed to the Appearance Commission as necessary to fill all seven positions on that Board.

2. Persons appointed to Boards and Committees of the Town shall be limited to serving two consecutive terms, and may not be re-appointed again until a minimum of one year has elapsed from expiration of their second term.

3. Faithful attendance at all meetings is expected of all appointees to Boards and Committees of the Town. A member failing without good cause to attend more than three (3) sequential monthly meetings, or more than four (4) monthly meetings within a twelve-month period, shall be asked by the Board to resign.

2. The Board discussed appointments to various Boards and Committees of the Board. Eddie Madden had provided with the agenda package a list of individuals who had expressed an interest in serving on the Zoning Board, Planning Board, and Appearance Commission.

A. Zoning Board. The terms of Larry Rogers, Edna Whitmire, and Douglas Campbell were due to expire on July 1. Mr. Madden reported that all three members had expressed an interest in being re-appointed. Mr. Campbell had purchased a home outside of Town but would not be moving for several months. Comm. Patterson noted that she had served on the Zoning Board and all three individuals were good members; she also thought it was particularly important for Zoning Board members to serve longer terms in order to have a better historical perspective.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO RE-APPOINT LARRY ROGERS, EDNA WHITMIRE, AND DOUGLAS CAMPBELL TO THE ZONING BOARD.

B. Planning Board. Mr. Madden reported that the terms of Woodrow Wilson, Linda James, and Allan James were due to expire this month. Mr. Wilson has asked not to be re-appointed, and it was also reported that Allan Bryson had submitted a written letter of resignation from the Planning Board; Mr. Bryson had expressed an interest in serving on the ABC Board.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO RE-APPOINT LINDA CLARK TO THE PLANNING BOARD.

Comm. McCall nominated Eric Pierson; Comm. Sossomon nominated Dennis DeWolf

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPOINT ERIC PIERSON AND DENNIS DEWOLF TO THE PLANNING BOARD.

C. Appearance Commission. Comm. Patterson nominated Hank Ross; Comm. Sanders nominated John Dotson and Steve Chenoweth. Comm. Patterson reminded the Board that members of the Appearance Commission should have special expertise in planning or design.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND CARRIED TO APPOINT JOHN DOTSON TO THE APPEARANCE COMMISSION. Comms. Sanders, Sossomon, McCall, and James voted "aye;" Comm. Patterson voted "nay."

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

CARRIED TO APPOINT HANK ROSS TO THE APPEARANCE COMMISSION.

D. Scholarship Committee. George Schmitt's term was due to expire on July 1.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO RE-APPOINT GEORGE SCHMITT TO THE SCHOLARSHIP COMMITTEE.

E. Advisory Committee for Scholarship Endowment Fund. The terms of Melinda James, Charlie McDowell, and Derek Taylor had expired on June 1; the Clerk reported that Committee Chair Liz View had requested that all three members be re-appointed.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO RE-APPOINT MELINDA JAMES, CHARLIE MCDOWELL, AND DEREK TAYLOR TO THE ADVISORY COMMITTEE FOR THE SCHOLARSHIP ENDOWMENT FUND.

3. The Town Administrator reported that he had obtained an updated quotation of \$10,195 on the Big Bearpen tower from Rohn Tower based on 2" ice load; he was obtaining quotes on a geotechnical report, as well as erection and foundation construction for the tower, and expected to have the information by the next meeting.

4. Each Board member had received a copy of several Zoning Ordinance amendments which had been re-drafted by Town Planner Eddie Madden, pursuant to the previous meeting. Mr. Madden briefly reviewed new wording in the amendment requiring approval of change in color of a building, which had been expanded to include type of building materials; he said that a group of area architects was working on the materials portion of the proposed Appendix C, and hoped to have it by the July 15 public hearing on the amendments. He also noted that two alternatives had been drafted concerning the off-premise parking, one prohibiting it entirely and one permitting it provided it was on the same side of the street and within the same block.

5. Each Board member received with the agenda package a copy of a draft Guarantee and Escrow Agreement for the Pamela Joy Morris subdivision prepared by Town Attorney Bill Coward, as discussed at the May 20 Board meeting. The Town Administrator reported that it was basically the same as the agreement approved for the Hobson Land Company subdivision several years ago. The Mayor noted that there had been some problems with extending the Hobson agreement over the years, and asked if the Town was not going down the same road; Comm. James felt there was no problem, provided there was adequate money in escrow. Town Engineer Lamar Nix reported that he had been reviewing the water system with consulting engineer Victor Lofquist since the May meeting, and it now appeared that the subdivider was proposing moving the pump station to the end of the cul-de-sac, lower in the subdivision, thus eliminating the need to extend the primary electric line; the subdivision plat would have to be amended accordingly, and the cost of the pump had not yet been determined.

## VI. New Business.

1. The Board discussed a petition for re-zoning from R-1 to R-2 submitted by James R. and Linda R. Jones for a 4.02 acre tract on the Dillard Road across from Arnold Road. Mr. Jones was present, and stated that he wanted to operate a real estate office in the house on the tract, a use not permitted in the R-1 district. He pointed out that the property was located adjacent to the Mountain Club clubhouse and tennis courts, across the road from the Highlands Country Club driving range, and on a busy highway. Mayor Trott asked if the request would be an instance of spot zoning. Eddie Madden pointed out that all of the area around the property was zoned R-1.

Steve Pierson was present, and reminded the Board that it had recently approved re-zoning property on Lake Sequoyah to R-2 to be used as a bed and breakfast.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO DENY THE PETITION.

2. The following bids for surplus property had been received at noon and opened by the Clerk, pursuant to advertisement:

- One 1986 GMC Chassis (minimum bid of \$2500):  
Franklin Burke.....\$2601
- One 1989 Jeep Cherokee.  
Melba Dryman.....\$2507  
Eddie Madden.....1801
- One IBM PS/1 Computer, no monitor.  
Richard Betz.....\$50

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO SELL THE FOREGOING SURPLUS PROPERTY TO THE HIGHEST BIDDERS.

3. The Clerk reported that he had received a proposal for the annual preventive maintenance service agreement for the Highlands Civic Center from Building Management & Controls of Mauldin, SC, for \$3980, an increase of \$100 over last year.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO RENEW THE ANNUAL PREVENTIVE MAINTENANCE AGREEMENT FOR THE CIVIC CENTER.

4. The Clerk reported that he had received a proposal for the annual contract for cleaning the public restrooms from Smoky Mountain Property Care & Cleaning for \$30 per day, the same as last year. The Highlands Chamber of Commerce funded half the cost of the contract, supplies, and maintenance & repair for the restrooms.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO RENEW THE ANNUAL CONTRACT FOR CLEANING THE PUBLIC RESTROOMS.

5. Informal bids had been received for the annual fuel contract through June 30, 1999, at noon today by the Clerk, who had opened and tabulated them. The low bid on diesel and premium fuel was from D & J Express Mart, although Highlands Conveniences dba 64 Stop and Shop had submitted a lower bid on regular gasoline.

MOVED BY COMM. SANDERS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO AWARD THE ANNUAL FUEL CONTRACT TO D & J EXPRESS MART.

6. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING CEMETERY FEES:

- Cemetery Lot (single grave site).....\$400
- Contribution to Perpetual Care Fund.....300
- Corner Marker Installation.....80

7. Eddie Madden reported that he had recently issued notices of violation to Jimbo Potts and John Beck concerning commercial use of residential property. Mr. Potts was working toward compliance, but Mr. Beck had moved all of his equipment onto the right-of-way of Laurel Street. Mr. Madden said that he had reviewed the Highlands Code with Chief Cook earlier in the day, particularly with respect to abandoned vehicles and motor vehicles & traffic; he felt there was no way to require the equipment to be moved from the right-of-way unless Laurel Street was posted "No Parking."

Comm. Patterson pointed out that the right-of-way was still zoned residential property, even though it is Town property. Jim Ramsdell was present, and asked if Mr. Beck had leased the property for commercial use. Comm. James felt that nobody had the right to use public property for commercial use. Comm. Sossomon felt that the Board might need to consider prohibiting commercial vehicles from any public right-of-way. The Board agreed to take this matter under advisement and asked Mr. Madden to review the Code again before the next meeting.

8. The Board discussed the following budget items in a work session:

A. Hudson Library. The Library had requested \$12,000 in support; the Town had provided \$2500 last year. Comm. Patterson said that she could think of nothing better the Board could do than to provide the public with books. Mayor Trott pointed out that other libraries in the area were supported by municipalities in which they were located. Comm. James said he was not opposed to the library, but he resented the request coming so late in the budget process.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO DONATE \$12,000 TO THE HUDSON LIBRARY.

B. Macon County Humane Society. The Humane Society had requested \$5000 in support; the Town had provided \$2000 last year.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO DONATE \$2000 TO THE HUMANE SOCIETY, THE SAME AMOUNT AS LAST YEAR.

C. Additional full-time Recreation Department employee. The Board agreed for the Recreation Committee to discuss this matter with the Recreation Director.

D. Additional Police Officer. The Board agreed for the Police Chief to come to the next meeting and discuss this request with the Board.

E. Additional Water Department employee. Public Services Administrator Lamar Nix said this employee was needed in order to more smoothly accomplish the sewer line projects scheduled for the coming year.

MOVED BY COMM. MCCALL, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE AN ADDITIONAL EMPLOYEE FOR THE WATER DEPARTMENT.

F. Employee safety shoes. The Town Administrator had recommended in the budget message a \$50 allowance for safety shoes for approximately 24 public works employees.

MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE AN ANNUAL \$50 ALLOWANCE FOR SAFETY SHOES FOR ALL EMPLOYEES IN THE PUBLIC WORKS DEPARTMENTS.

G. Capital Improvements. The Board reviewed items in the Capital Improvements Program, including \$80,000 for a motor grader, \$20,000 for a truck for the meter reader, and \$25,000 for a truck for the Water Department. Mr. Nix also reported that he had obtained an estimate of \$95,700 for a building at the Town Warehouse on Poplar Street to replace building now used by the Street Department; \$100,000 had been provided in the budget presented.

H. Cost of Living Allowance. The Board agreed to defer discussion of this item until individual employee salaries had been discussed.

9. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO DISCUSS INDIVIDUAL EMPLOYEE SALARIES AND TO REVIEW APPLICATIONS FOR EMPLOYMENT IN THE STREET DEPARTMENT, PURSUANT TO G.S. §143-318.11(a)(6). All those present left the meeting room except Town staff.

A. The Board discussed individual employee salaries at length; it was agreed that this matter would be further discussed at the June 25 meeting.

B. Lamar Nix discussed applications for employment in the Street Department with the Board.

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

CARRIED TO GO INTO OPEN SESSION. The meeting room doors were opened, but nobody was present outside.

VII. There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at approximately 9:45 p.m.

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Richard Betz, Town Clerk