

REGULAR BOARD MEETING of September 2, 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, Selwyn Chalker, Jerry Cook, Kim LeWicki, Steve & Brenda Pierson, Alan Marsh, and Ned Bryson.

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

II. The Clerk reported that Item No. 1 on the agenda under New Business—consideration of a final subdivision plat and Guaranty & Escrow Agreement for Synergistics Inc.—be deferred until the first meeting in October; the plat had not yet been approved by the Planning Board.

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

III. The minutes of the August 19 Regular Board Meeting had been distributed by mail.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED. Comm. Sanders abstained because he had not been present at the meeting.

IV. Reports.

1. The Mayor reported that he and Town Administrator Richard Betz had attended a meeting in Franklin on August 20 sponsored by the Macon County Planning Board to study the feasibility of establishing a County Water/Sewer District. The meeting had focused on problems the County was having providing water and sewer to primarily the northern portion of the County; the Franklin Wastewater Treatment Plant was at 80% capacity. It had been agreed that a five-person task force should be appointed, and as soon as the minutes of the meeting had been received the Mayor recommended that the Town consider selecting an elected official to serve on that task force. The Mayor also praised past Town officials for being ahead of the rest of the County in the area of water and sewer planning.

2. Each Board member had received a copy of the Town Engineer/Public Services Administrator's written report for the month. Lamar Nix said that the Many Road water project was 99% complete, and that the Bowery Road electric project was 45% complete; both projects were being completed "in-house." He also reported that the Town's gravity sewer lines had been cleaned of grease by a contractor last week, and that the water level in Big Creek was low. The Mayor recommended notifying those attached to the poles in the Bowery Road area being abandoned in accordance with the Pole Attachment Ordinance adopted in May, and also mentioned a pole on Foreman Road that needed to be abandoned.

3. Police Chief Jerry Cook gave an oral report on Police Department activities for the month of August. He said that Southwestern Community College would be scheduling radar instruction soon. Fifty-percent grant money had been available for one in-car video camera, which had been ordered. He also reported that he was still in the process of developing a policy on the use of radar, in-car cameras, and protective body armor.

4. Each Board member had received a copy of the Recreation Director's written report for the month of August. Selwyn Chalker said that Summer Camp had gone well, with an average of 35 children per day. The pool would be closing on September 8 or 9, and the pool heater was now working. Dugouts at the ball park would be replaced over the winter. Work on the picnic shelter had still not commenced, and he was obtaining a bid from another contractor; he and the Town Administrator felt that if that bid was not forthcoming, the Town should consider proceeding with informal bids on the project.

The cleaning of the duct work had made a difference in the dust in the Civic Center building, and he recommended making it a part of the regular maintenance procedure. He also distributed copies of a Procedure for Use of Civic Center Kitchen for information. Finally, he reported that the annual Christmas Tree lighting was scheduled for the day after Thanksgiving again this year.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE CLOSING OF PINE STREET ON NOVEMBER 27 FROM 5:00 P.M. UNTIL 10:00 P.M.

5. Each Board member had received a copy of the Town Planner/ Zoning Administrator's written report for the month. Eddie Madden reported that the Land Use Planning Committee had now completed both the residential and commercial portions of the Land Use Plan Update, and was now working on recommendations for municipal government; the remaining areas to be discussed consisted of annexation and extra-territorial jurisdiction (ETJ). He said that he would be contacting the Division of Community Assistance to see if they would be available to conduct an annexation study if necessary. He also reported that the annual review of the Town's local soil erosion program had been conducted today, and State officials had been pleased with the only full erosion control plan reviewed, for the Joel Crook lot.

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

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

7. Each Board member had received a copy of the Town Administrator's written report for the month. Richard Betz reported that W. K. Dickson consulting engineer Victor Lofquist and Robert Burgin, consulting engineer for the Highlands-Cashiers Hospital, had met on August 11 to discuss the Sherwood Forest Pump Station. Mr. Burgin had then met with hospital officials on August 25 and discussed a pilot program to address the corrosion problem. Hospital Administrator Jim Graham had provided a letter dated August 31, a copy of which had been distributed, asking for direction from the Town on proceeding with the pilot project, and also discussing the capacity issue, including offering to install a sewer meter and pursuing the possibility of a tile septic field as a back-up. He said that Mr. Graham had offered to speak to the Board on these issues at a future meeting.

Mr. Betz also reported that he was reviewing the Town's liability, property, and vehicle insurance, and had asked for estimates from the League of Municipalities Risk Management Agency, as well as the two companies in Town. He had also attached a Notice of Hearing and Motion concerning filing of a Declaration of Withdrawal by the Charleston Library Society, and an amended motion prepared by the Town Attorney, in re: the Edwards et. al. case.

Comm. James felt that the Board should ask the Hospital to proceed with the pilot project outlined in the letter from Jim Graham if approved by the Town's engineers.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ASK THE HOSPITAL TO PROCEED WITH THE PILOT PROJECT TO DEAL WITH CORROSION AT THE SHERWOOD FOREST PUMP STATION, CONTINGENT ON APPROVAL BY THE TOWN'S CONSULTING ENGINEER.

Comm. James also felt that the question of capacity should be addressed. He felt that the limit of 55,000 GPD, based on design flow, should not be exceeded; discharge might be below the design flow most of the time, but there might be peak times when it would be exceeded. Comm. Patterson agreed; she did not feel the design flows were arbitrary numbers. The Board agreed to place this matter on the October 7 agenda for further discussion.

8. Town Attorney Bill Coward reported that there now appeared to be no chance that the Edwards et. al. case would be heard in either September or October. Richard Melvin had prepared a Declaration of Withdrawal on behalf of the Charleston Library Society, apparently a residuary beneficiary of the S. P. Ravenel Jr. estate, and the Society would have to be made a party to the lawsuit.

V. Old Business.

1. The next item on the agenda was discussion of Bowery Road area water improvements; Mayor Trott noted that this item had been tabled several months ago, and asked for a motion to take the matter from the table.

MOVED BY COMM. MCCALL, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO TAKE THE MATTER FROM THE TABLE.

Comm. McCall said that he had asked for this matter to be placed on the agenda. He said that the Bowery Road water improvements was a project the Board would eventually have to do, and it would be very expensive; he felt that the Town needed to get started on the project in phases. Comm. Patterson pointed out that the project had been tabled because of inability to obtain right-of-way. Comm. McCall said he felt there were several other phases of the project that could be undertaken without right-of-way, such as the tie-in to Little Bearpen and a new water tank on Big Bearpen. Comm. James felt that the project identified as Phase I, which had been budgeted last year, should be the first part of the project because it would address the immediate problem.

The Mayor asked Steve Pierson, who was present in the audience, where the Town stood on obtaining right-of-way. Mr. Pierson stated that he would be willing to provide a 20-foot right-of-way on his side of the road, and a 40-foot right-of-way where he owned property on both sides of the road. The Board then discussed the need to obtain rights-of-way from the property owners on the other side of the road; the Clerk reported that he had been unable to obtain any of those rights-of-way. Comm. James said the right-of-way could be condemned if necessary.

Town Engineer Lamar Nix recommended that, as planned last year, consulting engineers W. K. Dickson should be asked to prepare the plans for the project, but he would administer and provide final certification of the project. He was concerned, however, that Dickson might be unable to prepare the plans in time; preparation of the Mirror Lake Pressure Sewer Line plans had taken much longer than expected, and had still not been completed.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO PROCEED WITH PHASE I OF THE BOWERY AREA WATER SYSTEM IMPROVEMENTS, ASKING W. K. DICKSON COMPANY TO PERFORM THE DESIGN WORK PROVIDED THEY CAN COMPLETE PLANS WITHIN SIX (6) WEEKS; IF THEY CANNOT, THE TOWN ENGINEER IS AUTHORIZED TO CONTACT OTHER ENGINEERING FIRMS TO PERFORM THE DESIGN WORK.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO PURSUE OBTAINING A FORTY (40) FOOT RIGHT-OF-WAY ALONG THIS SECTION OF BOWERY ROAD, AS MEASURED TWENTY (20) FEET FROM THE CENTERLINE, FOR THE EXPRESS PURPOSE OF INSTALLING THE WATER LINE.

Comm. Sanders understood that Steve and Brenda Pierson were out of water, and he asked if they could be provided with water temporarily; it was reported that a leak in the area had been repaired, and they now had adequate water.

2. The Clerk reported that the September 1 deadline for installation of improvements in the Hobson Land Company subdivision had passed. He understood that the Highlands Land Trust had purchased a portion of the subdivision, as reported at the January 21 meeting; Comm. Patterson, who also served on the Land Trust,

confirmed that the Land Trust had purchased 8.2 acres. The Board discussed for some time what action, if any, the Board should take.

Comm. Sanders made a motion to extend the deadline 30 days, but after some discussion withdrew the motion.

VI. New Business.

1. The Town Administrator reported that he had recently learned that the State of North Carolina's Air Quality Regional Office was enforcing a State open burning rule. The rule permitted homeowners to burn yard trimmings, excluding logs and stumps, but prohibited any open burning to clear land or right-of-way within 1000 feet of occupied dwellings. The state law would apply to clearing for new houses in Highlands.

2. The Board discussed a proposed amendment of Section 13-12 of the Highlands Code regulating the moving of buildings, modular homes, or manufactured homes, as distributed at the August 19 meeting. A second draft, incorporating language recommended by the Town Attorney, had been provided with the agenda package. The Town Administrator said he and the Police Chief recommended adopting the amendment in order that the Police Department might be given advance notice and be aware of the route.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO DELETE THE CURRENT SECTION 13-12, AND REPLACE WITH THE FOLLOWING AMENDMENT:

Section 13-12. Approval to move buildings, modular homes, or manufactured homes.

A. No person shall move any building upon or across the public streets or sidewalks without the written consent of the Board of Commissioners and the deposit of a good and sufficient bond, as set forth in the Fee Schedule, to cover damage done to such street or sidewalk or to any property of any person.

B. No person shall move any modular home or manufactured home unit(s) upon or across the public streets or sidewalks except upon the issuance of a written permit by the Chief of Police. Application shall be made at least forty-eight (48) hours before date of move, shall be accompanied with permit fee as set forth in the Fee Schedule, and shall include the following information: name and address of registered owner of the transporting unit, description of the load, dimensions of the load, date of move, and route and destination. The Chief of Police shall issue a permit for the moving of modular home or manufactured home unit(s) under the following conditions:

1. Applicant has a valid permit for the load from the Permit Unit of the Department of Transportation.

2. Date and route of move, in the sole discretion of the Chief of Police, will not be detrimental to the public safety because of traffic congestion.

Applicant shall comply with all of the terms and conditions of said D. O. T. permit, shall be responsible for any damage to streets or sidewalks or to any property of any person, and shall hold harmless and indemnify the Town for and against any and all claims and liability related in any way to the moving,

3. The Town Administrator reported that Rhodes Brothers Paving Company had asked for permission to erect an antenna on the Town's

Upper Brushy Face water tank site; the site now contained an antenna for Mick Henry approved several years ago, the Fire Department and Town repeaters, and the translator for Highlands-Cashiers National Public Radio approved last year. Comm. James felt that the Town should charge for leasing the site, and that requests should include an application, specifications, and drawings. Comm. McCall agreed; it would be difficult to say yes to some and no to others, and he felt a policy should be developed. The Board agreed by consensus to take this matter under advisement.

4. Steve Pierson was present, and commented that there was a lot of property tax money in Highlands that went to Jackson County, and nothing was returned. He felt that the Board ought to discuss the matter with the Jackson County Commissioners. The Clerk agreed to report on the amount of tax valuation in Jackson county at the next meeting.

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

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:40 p.m.

Richard Betz, Town Clerk