

REGULAR BOARD MEETING of December 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, Selwyn Chalker, Jerry Cook, Bill Coward, Kim LeWicki, Dr. Louis Reynaud, Dr. Virginia Reynaud, Muriel Kolb, Derek Taylor, Mildred Johnson, Moyna Monroe, Al Scudder, Morris & Anita Williams, Terry & Karin Potts, Paul Chmar, Dan Chapman, Steve & Brenda Pierson, Ralph Thomas, Mike Cavender, Cynthia Strain, Tom & Linda Clark, Rosemary Fleming, Pete Hendricks, Kathy Hendricks, Dan Burner, Benny Davis, Sam Evins, Martin French, William Sutton, Vickie Mooney, David Hourdequin, Jane Tracy, Margaret Early, Bob Mills, Nancy Greenwood, and others.

I. Call to Order.

Mayor Trott called the meeting to order at 7:00 p.m.; due to the large expected attendance, the meeting had been moved to the Highlands Civic Center, and due notice had been posted at the Conference Room of the Town Hall.

II. Approval of Agenda.

The Mayor suggested that, due to the large number of people present to discuss the paving of Bowery Road, this item be taken up first on the agenda; he also suggested that the discussion of the Police Department Policies on Speed Measurement Devices, In-Car Videos, and Body Armor be taken up second on the agenda, since Chief Cook was on duty and the Department was short-handed.

The Clerk reported that Al Scudder had also requested permission to address the Board, and it was noted that there was a personnel matter to be discussed in Closed Session pursuant to G. S. §143-318.11(a)(6).

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

III. Approval of Minutes.

The minutes of the November 18 Regular Board Meeting had been distributed by mail.

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

IV. Special Order.

1. The Clerk had provided each Board member with a copy of a letter from the D. O. T. dated October 27, as well as several additional letters addressed to the Board since the November 4 Board meeting when each Board member had received a package of materials provided by Dan Chapman. Before the meeting, additional materials were also distributed by Nathan V. Hendricks III and Kathryn Barnes Hendricks, and during the meeting an affidavit from Sam Evins was submitted into the record.

The Mayor read portions of the October 27 letter from District Engineer Joel Setzer, requesting Town input into a D. O. T. proposal to widen and pave Bowery Road.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, TO GO ON RECORD TO SUPPORT THE D. O. T.'S EFFORTS TO IMPROVE BOWERY ROAD, INCLUDING WIDENING AND PAVING, AND TO MOVE TOWN UTILITIES IF NECESSARY.

The Mayor then opened the meeting to a lengthy discussion of the

motion. He said that he had discussed the right-of-way required for improving Bowery Road with officials at the District Office, and had been told that they intended to make all improvements within a 45-foot right-of-way, less if possible, which was less than the normal 60-foot right-of-way required; the actual pavement would be 18 feet in width.

Comm. Patterson felt that the issue was how to make the road safe, which included a wide range of options; she didn't want to approve the proposal without some involvement from the Town. She also pointed out that if the road was widened and paved, it would increase the speed.

Police Chief Jerry Cook said that the road was not posted by the State, but that all unposted streets within the Town limits were limited to a maximum speed of 35 m.p.h.

The Mayor suggested that detailed plans could be prepared and reviewed. Town Planner Eddie Madden reported that the D. O. T. does not prepare construction plans for secondary roads.

Pete Hendricks, who had submitted material at the beginning of the meeting to each Board member, said that he had engaged LRE Engineering in Atlanta to review the condition of Bowery Road. He understood that the D. O. T. was required to comply with industry standards for cuts, fills, curves, and right-of-way, and he said that the road would consequently be 40 to 50 feet in width, effectively doubling or tripling the width; this would invite an increase in traffic and speed. The current road did not provide much invitation to enter unless a vehicle had business in there. He then related his experiences with the widening of Buck Creek Road, and pointed out that similar construction on Bowery Road would result in consequential damages. He said that of the 12 property owners adjoining the section of road in question, 10 were opposed to its paving. He asked the Board to give close and serious consideration to the issue.

Dan Burner said that a year ago he would have opposed the improvements. However, he had never seen more traffic on a road; it did not meet any safety, health, or welfare standards, and was not adequate. Many accidents were not reported. He felt it was a dangerous road, and something had to be done.

Dan Chapman said he was a full-time resident and business owner in Highlands. He said that Mr. Hendricks had made a nice speech, but pointed out that he does not live here and travel the road every day. 20 homes were currently under construction, and the situation was going to get worse, not better. He understood from the D. O. T. that the speed limit on the road was 55 m.p.h. He had submitted copies of four accident reports to the Board within four months, and he said there was not a road in this Town with that kind of record in 0.7 mile. He said that most of those in opposition did not live here year-round, and he felt the road needed to be widened and paved.

Kathy Hendricks said she owned the first house on the road, and her family had lived here for over 45 years. The house was so close to the road that, if paved, she felt it would pose a danger to her children. She suggested that the danger was caused more by the drivers than the condition of the road.

Benny Davis, a three-year resident, said that as a former UPS driver he could say that it was easier to stop on a paved road than on gravel. It was difficult to keep a vehicle on the road in its present condition.

Sam Evins said that his grandfather had constructed his house in 1922, and if the road was paved, it would be only six feet from his house. He related an accident that had occurred several years ago, and said that if the road had been paved at the time and unprotected by 75-year-old hardwood trees sheltering his house, it could have been more serious; he felt paving the road would endanger people

living in houses along it. He thought that an alternative road should be considered, which he understood would involve condemning only two properties, not ten. He also felt that the Town should consider limiting the number of building permits in the area, perhaps to five or six a year.

Martin French, a full-time resident, said that no one enjoyed a quiet country road more than he. Fifteen years ago, he could drive the road without encountering another vehicle, but that was no longer the case. He had counted 86 new homes in the area, and he felt that the situation would not get better. The road was no longer a scenic country road, but a narrow, crooked, dirty, dangerous road. He knew of 14 accidents among his acquaintances in Sagee Mountain, many not reported. While he sympathized with those people who owned homes near the road, he felt something needed to be done soon. He also felt the Town should do what it could to improve adequate services in the area—like water, fire hydrants, and police protection—and to limit construction until something could be done about the road and the water situation.

The Mayor assured Mr. French that the Town was committed to sustainable growth; he agreed that it was critical to provide fire protection and other services to the greatest number of people and to be able to handle growth.

Muriel Kolb, a resident of 17 years, said that she had never had a collision or run off the road. She asked, if the D. O. T. paved the first mile, what would happen to the next mile. The Mayor replied that he could not answer that question.

Moyna Monroe said her family had lived on Bowery Road since 1905, and she was interested in not paving the road. She understood that the D. O. T. was not planning on putting up any money for the next section of the road, and she felt that other roads, such as the Franklin Road, ought to have priority.

Dan Chapman said that was not true; he said he had been told by Highway Commissioner Ron Leatherwood that the D. O. T. had the money to proceed with paving and widening the road.

Karin Potts refuted Muriel Kolb's statement, reminding her that she had hit her several years ago. She said she had lived on Sagee since the age of 16; she felt the road was dangerous, there was no room to pull over, and she was worried about the safety of her children.

William Sutton, a resident of the Sagee area, felt that the Board ought to first listen to the proponents, then the opponents.

Kathy Hendricks asked if Cullasaja Drive and Mirror Lake Road would also be paved.

Mildred Johnson, a resident all her life, pointed out that other options were available, such as an alternate route directing traffic away from the existing homes while providing a two-lane paved road for the rest of the area; such an alternative would protect the rights of the people who have been here for years. She said she had submitted this alternative to the Town, but had not heard any response.

The Mayor said that he had discussed the alternative plan with Joel Setzer and had been informed that it was entirely too expensive for the D. O. T., as it would require more land acquisition. He also pointed out that current D. O. T. policy called for the improvement of existing roads rather than the construction of new ones.

Morris Williams said that he had moved to Sagee Mountain five years ago, and at that time no other houses were being constructed. He had driven the road every day, and loved it because it was a dirt road. Since then, due to the tremendous growth in the area, it was no longer safe to walk or run on the road, and there had been a number of close calls. He also asked the Board to consider winter conditions, which were especially dangerous. He recommended that

the Board support the paving.

Vickie Mooney, a resident of 42 years, said she lived here six months out of the year, and took offense to the implication that part-time residents don't count. She had seen the changes referred to, and she hated to see the homes of four people devastated. She hoped the Board would look carefully at the plans to widen the road; she would hate for the Town to turn the project over to the D. O. T. to do whatever they wanted.

David Hourdequin asked why the road was a State road at all; it seemed as if it should be a Town road. He also pointed out that at some point development would have to pay its own way, and he suggested the Town consider impact fees.

Comm. Patterson reiterated her concern that the road be safe, and her opinion that paving it would increase speed and make injuries worse. She agreed that the road needed to accommodate more people, but she did not want to give the D. O. T. the right to do whatever they wanted to on the road; she felt any improvements should be done in keeping with Highlands.

Comm. James felt that the D. O. T. had done a good job on many roads, such as Foreman Road. He pointed out that this issue had come up before, and the Board had supported it in the past.

Jane Tracy supported the road being paved, but she did not want to see a 60-foot road. She felt it should be more like Horse Cove Road, which had an 18-foot pavement, three- to four-foot shoulders, and a speed limit of 15 m.p.h.

Margaret Early, a resident of Upper Lake Road and Bowery Road, felt that speed was the issue; she felt people should be informed by appropriate signs that the road was a single-lane road, and she also suggested placing three- and four-way stop signs at all intersections to slow down traffic.

Eddie Madden suggested that the Town consider requesting that the D. O. T. stake the road for right-of-way, construction, and centerline in order to see what the improvements would be like.

The Mayor said that a letter would be prepared by the Town Administrator responding to the D. O. T.'s request for input. Comm. Sossomon said that he wanted to know in more detail what the letter would say before he voted.

Comm. Patterson said she had no problem with discussing the issue with the D. O. T.

After some additional discussion, the Mayor called the question. THE MOTION CARRIED. Comms. James, Sossomon, Sanders, and McCall voted "aye," and Comm. Patterson voted "nay."

The Mayor then called a 10-minute recess, and the meeting was re-convened at 8:20 p.m.

2. The Board discussed the proposed Police Department policy on Body Armor submitted at the October 7 meeting with the Police Chief.

Comm. Patterson wanted to confirm that wearing body armor was optional; the Chief explained that it was. The Town would provide armor at no cost, and in that case the officer was required to wear it while on duty; should an officer choose not to, he was required to sign a waiver, could purchase body armor of his own, and could wear it when he chose. He said the policy was similar to that of other Departments. Town Attorney Bill Coward said he had reviewed the policy; he asked the Chief if officers received training in the use of body armor, and was told that they did.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE POLICY ON BODY ARMOR.

The Board then discussed the proposed policy on in-car video cameras.

The Chief pointed out that the cameras were already in use, and had proved to be a valuable training tool, enabling him to better review an officer's performance.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE POLICY ON IN-CAR VIDEO CAMERAS.

The Board then discussed the proposed policy on speed measurement devices. Several officers were currently being training in the use of radar, and would soon be certified. The Chief said he planned to issue warning citations at first, and reiterated that he did not want the Town to get a reputation as a speed trap; the main objective was to slow traffic down. The Mayor pointed out that all traffic fines went to benefit the school system.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE POLICY ON SPEED MEASUREMENT DEVICES.

The Police Chief also submitted a written report on Police Department activities for the month of November.

3. Al Scudder, owner of a business on the south side of Oak Street, was present to discuss the no parking/loading zone signs which had been erected along that street pursuant to Board action at the October 7 meeting. He pointed out that the action had taken away nine parking spaces, and he said those people might park on Main Street now. He also pointed out that large trucks would not be able to use the loading zones, and suggested that the centerline of Oak Street be relocated. He felt there was a simpler way to deal with the problem while not creating a problem for business owners.

Bob Mills agreed; he thought that removing the parking spaces was forcing business people to park in front on Main Street, and said it was inconvenient to park in the Town parking lot. He felt perhaps loading zones could be designated on Third Street, or adjacent to the Town Hall on Oak Street.

Comm. Sossomon said the Street Committee had been reviewing the situation, and the Committee agreed to meet with Mr. Scudder.

## V. Reports.

1. The Mayor reported that he had discussed with Sam Greenwood scheduling a joint meeting between the new County Board of Commissioners and the Town Board, to be held in Franklin sometime in January.

2. Town Attorney Bill Coward reported that, in the Edwards et.al. case, the motion by Richard Melvin to halt the deposition of Harry Wright had been denied; the deposition was scheduled to continue in the Franklin office of Coward, Hicks, & Siler on October 7 at 10:00 a.m.

3. Each Board member had received a copy of the Town Engineer/Public Services Administrator's written report for the month. Lamar Nix also reported that the contractor on the Main Street project was on schedule to begin work on October 7.

4. Each Board member had received a copy of the Recreation Director's written report for the month. Boys basketball would begin soon, and the ice-skating rink approved at the November 4 meeting had been ordered. He also reported that he had obtained a price of \$3000 for two concrete slabs for the picnic shelters, and a price of \$2200 for a brown metal roof; the metal roof was the recommendation of the Appearance Commission, which had reviewed the plans at their meeting of November 30. The Clerk reported that, with the cost of the pre-fabricated shelters at \$9,360, and erection at \$4,400, the project would still be within the budget of \$20,000.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO PROCEED WITH CONSTRUCTION OF THE PICNIC SHELTERS, INCLUDING THE CHANGE IN THE ROOF.

Mr. Chalker had also submitted a proposed job description for the full-time front desk position discussed at earlier meetings. Comm. Patterson said the Recreation Committee had discussed the matter.

Comm. James said he would like to see figures on the current cost of part-time help on the front desk and the proposed salary grade for the full-time position. Mr. Chalker agreed to bring this information to the next meeting.

5. Each Board member had received a copy of the Town Planner/ Zoning Administrator's written report for the month. Eddie Madden also reported that, in addition to reviewing plans for the picnic shelters as reported earlier, the Appearance Commission had reviewed plans for the new warehouse building, bids for which were on the agenda for later in the meeting; the Commission had approved the building subject to siding composed of wood, rock, or a combination thereof, gray color, and landscaping in front, in the parking area, and along the fence.

He also discussed the color chart and building materials document for the proposed Appendix C of the Zoning Ordinance, discussed at the November 18 meeting. The Planning Board had requested reviewing the building materials document; it had not recommended adopting the color chart at its meeting last summer, but had never reviewed the latter. He also said he was incorporating some new language, as a result of some of the comments received at the previous meeting, concerning simulated building materials in the fire district.

Linda Clark was present and reiterated that the Planning Board had not seen the building materials chart, and would like to have an opportunity to review it.

By consensus, the Board agreed for the Planning Board to review the document.

6. Each Board member had received a copy of the Treasurer's Report for the month. The Treasurer pointed out that \$140,000 in sewer connection fees had been received in that department for the Sewer Extentsion Fund.

MOVED BY COMM. SOSSOMON, 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 he had received a letter from Martin Allen, owner of a 12.86-acre tract adjoining the Town limits north of Hickory Hill Road, requesting water service and indicating that he was willing to file a petition for annexation in return for such service. The property was formerly owned by VanHouten and Zahner, and then by Mike Cavender, and a petition for annexation had been denied for the property on September 19, 1990. Comm. James said he wanted to review the record of that Board meeting, and the Clerk agreed to provide copies of the minutes. In the meantime, the Board took the request under advisement.

The Town Administrator also reported that he had received a letter from Henry Mendler, as discussed at the previous meeting, assuring the Board that he intended to file a formal petition for annexation as soon as is practical.

The Town Administrator also reported that he had spoken to Larry Lackey, County Engineer and Solid Waste Director, on November 30, concerning the questions about cardboard collection raised at the November 4 meeting. Mr. Lackey had obtained approval from Sam Greenwood for the County to accept the Town's cardboard at no cost, effective immediately, provided the Town contract to haul it to Franklin; the County was unwilling, however, to share in hauling

charges, or to return any revenues for the cardboard. Mr. Greenwood also indicated that, in order to re-consider the \$60/ton, rather than \$45/ton, discrepancy in the landfill fee for other commercial solid waste, the Board should address a letter to the County Commissioners.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO BEGIN TRANSPORTING CARDBOARD TO MACON COUNTY, AND TO DRAFT A LETTER TO THE COUNTY COMMISSIONERS CONCERNING THE LANDFILL FEE.

VI. Old Business.

1. Victor Lofquist, consulting engineer with W. K. Dickson Company, was present to discuss the closeout of the Water Treatment Plant project. Each Board member had received a copy of a letter from Langston Construction Company dated October 27, agreeing to bring the computer software in the Plant into year-2000 compliance, and including the Consent Surety to Final Payment form, a letter from Law Engineering on the slope at the Plant, and the Contractor's Release and Waiver of Claims form. Each Board member had also received a copy of a letter from Langston dated November 30 agreeing to honor the five-year warranty on the SCADA system, beginning January 1, 1998. Copies of the December 1997 change order were also attached, as well as a formal request from Langston to release final payment in the amount of \$218,918.81, the amount budgeted for FY 98-99. Mr. Lofquist recommended making the final payment if the document-ation was acceptable to the Town and to the Town Attorney.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE FINAL PAYMENT OF \$218,918.81 TO THE GENERAL CONTRACTOR, SUBJECT TO APPROVAL BY THE TOWN ATTORNEY.

VII. New Business.

1. The Clerk reported that a letter of resignation from the Zoning Board had been received from Douglas Campbell, who had moved outside the Town limits. The current Zoning Board alternates were Allan James and Sherry Sims. Comm. James said that he would like to see the Board consider nominees for the Zoning Board before appointing one of the alternates as a regular member.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SOSSOMON, AND CARRIED TO APPOINT SHERRY SIMS AS A REGULAR MEMBER OF THE ZONING BOARD TO FILL DOUGLAS CAMPBELL'S UNEXPIRED TERM, PROVIDED SHE IS WILLING TO SERVE IN THAT CAPACITY, AND IN THE MEANTIME FOR THE BOARD TO BE CONSIDERING NOMINEES FOR THE VACANCY. Comms. Patterson, Sossomon, McCall, and Sanders voted "aye;" Comm. James voted "nay."

2. The Clerk reported that he and the Public Services Administrator had opened informal sealed bids at 1:15 p.m. for a 1999 Dodge 1500 and a Dodge 2500 or equivalent pickup truck, as follows:

<u>Dealer</u>	<u>Dodge 1500 or equiv.</u>	<u>Dodge 2500 or equiv.</u>
Lawson Motor Company Inc.	\$18,855.00	\$18,790.00
Smoky Mountain Chevrolet-Oldsmobile	22,745.00	23,271.55
Jim Brown Chrysler/Plymouth/Dodge Inc.	19,000.00	18,800.00
Matthews Motors	18,877.00	18,349.00

It was pointed out that the low bid on the 2500 truck from Matthews Motors did not meet specifications; Mr. Nix said the tires were not the size specified, and the dealer had not agreed to provide the specified tires for the bid price submitted.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO AWARD THE BID ON BOTH VEHICLES TO LAWSON MOTOR COMPANY INC.

The Clerk reported that only two bids had been received on a motor

grader. It was agreed to re-advertize for bids.

The Clerk reported that only two bids had been received on the warehouse building. The appearance of the building had been reviewed by the Appearance Commission, as discussed earlier in the meeting, and it was reported that if the recommendations were accepted, changes in the specifications would be required. Comm. Patterson and the Mayor both felt that not accepting the Commission's recommendations would set a bad example.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND CARRIED TO RE-ADVERTIZE FOR BIDS UNDER THE SAME SPECIFICATIONS. Comms. James, Sanders, McCall, and Sossomon voted "aye;" Comm. Patterson voted "nay."

3. The Clerk reported that he had obtained three bids for the installation of a foundation and the erection of the 80-foot Rohn tower on Big Bearpen Mountain, which had already been ordered and delivered. The bids were as follows:

<u>Company</u>	<u>Location</u>	<u>Price</u>
Tower Guys Inc.	Matthews, NC	\$16,750
Cherokee Wireless Services Inc.	Cornelia, GA	34,450
KCI Tower Systems Inc.	Hillsborough, NC	51,456

The Clerk reported that the total cost of the geo-technical report (\$2350), the tower itself (\$10,195), and the low bid on foundation/erection would be well under the \$40,000 budgeted.

MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE LOW BID FROM TOWER GUYS INC.

4. The Clerk reported that he had received a letter from U. S. Filter/Culligan, extending the contract to operate the Wastewater Treatment Plant through December 31, 1998.

5. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE ELECTION OF MIKE MCCALL AS FIRE CHIEF FOR 1999, AND TO RE-APPOINT OLAN VINSON AS ONE OF THE TOWN'S REPRESENTATIVES ON THE FIREMEN'S RELIEF FUND FOR A TWO-YEAR TERM.

6. MOVED BY COMM. SANDERS, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE FOLLOWING CHRISTMAS BONUSES FOR FULL-TIME EMPLOYEES:

Less than one year of service.....	\$100.00
Between one year and ten years of service.....	\$150.00
More than ten years of service.....	\$200.00

It was also agreed that part-time employees should be given hams.

7. MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO DISCUSS PERSONNEL MATTERS, PURSUANT TO G.S. §143-318.11(a)(6). All present left the meeting room except Town staff.

The Board discussed personnel matters in the Sewer Department.

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

VIII. There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 10:30 p.m.

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Richard Betz, Town Clerk