

REGULAR BOARD MEETING of December 16, 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, Kim LeWicki, Steve Pierson, Dan Chapman, Derek Taylor, Chuck Cooper, Dennis DeWolf, and Geoffrey Willett.

I. Call to Order.

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

II. Approval of Agenda.

The Clerk said that he had received a request concerning a sewer connection from Derek Taylor and Tom Lockard, which needed to be added to the agenda.

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

III. Approval of Minutes.

The minutes of the December 2 Regular Board Meeting had been distributed by mail.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

IV. Reports.

1. The Mayor reported that he had attended the D. O. T.'s Transportation Improvement Program (TIP) public meeting at Southwestern Community College on December 15, and had spoken about the need for attention to US-64 between Highlands and Franklin.

2. Each Board member had received a copy of the Town Administrator's written report for the month, which contained several attachments, including a draft letter to the D. O. T. in support of the paving of Bowery Road, pursuant to the December 2 meeting, as well as some changes in the second-to-last paragraph recommended by Comm. Sossomon.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO SEND THE LETTER, INCLUDING THE SUGGESTED CHANGES.

Comm. Patterson said that, although she understood the D. O. T. had a policy of not posting speed limits on unpaved roads, she thought the Town should check and see if a 20 m.p.h. sign could be posted on Bowery Road as quickly as possible.

3. The Clerk had also included a draft of a proposed letter to the Jackson County Board of Commissioners requesting funding for water system improvements in Jackson County in FY 99-00, as previously discussed by the Finance Committee and by the Board. By consensus, the Board approved sending the letter.

4. The Clerk distributed copies of a letter dated December 3 which he had sent to the Macon County Board of Commissioners relating to the \$60/ton commercial solid waste fee, pursuant to the December 2 meeting.

5. The Clerk distributed copies of a letter dated December 10 which he had sent to Harold Saylor, requesting an update on the status of the re-classification of Lake Sequoyah. He said he had tried repeatedly to contact Mr. Saylor concerning this matter, without success.

6. The Clerk distributed copies of a letter to Billy Ray Hall sent

to Mike Decker for a grant application by Macon County for a comprehensive water and sewer study, pledging \$3000 in matching funds. Each Commissioner had been polled about this matter on December 9, since the application deadline was December 11.

7. The Clerk distributed copies of a letter which had been received from Highlands-Cashiers Hospital Administrator Jim Graham, updating the Town on pre-treatment and the installation of a sewer meter.

Comm. James said that he was not certain from reading the letter that the Hospital understood that future capacity would be limited based on design flow, rather than actual flow as measured by a meter; he felt that a letter should be written clarifying the Town's position on the matter.

V. Old Business.

1. The Board again considered a request for water service from Martin Allen, owner of a 12.86-acre tract adjoining the Town limits north of Hickory Hill Road, and indicating that he was willing to file a petition for annexation in return for such service. As requested at the previous meeting, the Clerk had provided each Board member with copies of the relevant portions of the minutes of Public Hearing and Regular Board Meeting of September 19, 1990, at which a petition to annex the property— owned at the time by VanHouten and Zahner—had been denied.

Comm. Patterson asked if there were other options available to Mr. Allen for water; she felt that the Town had a finite amount of water, and was obligated to ensure that it can provide water to all of the Town before providing it outside of Town. She wanted to be sure that considering an annexation request did not obligate the Town to go ahead and annex the property.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED, TO CONSIDER THE PETITION FOR ANNEXATION FROM MARTIN ALLEN ON THE CONDITION THAT THE PROPERTY OWNER INSTALL WATER LINES TO TOWN SPECIFICATIONS AT HIS OWN EXPENSE, AND ADVISE THE TOWN OF HIS PLANS FOR THE PROPERTY.

VI. New Business.

1. The Clerk reported that he and the Public Services Administrator had opened informal sealed bids at 4:00 p.m. for a motor grader, on second advertisement. The following two bids had been received:

- B. R. Industries Inc.—LeeBoy Model 685.....\$76,194.20
- Van Lott Inc.—Fiatallis 65C.....92,813.00

Both bids apparently met specifications, and \$80,000 had been budgeted in FY 98-99.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO AWARD THE BID TO VAN LOTT, THE LOW BIDDER.

2. Public Services Administrator Lamar Nix reported that he had recently discovered that specifications involving the framing components of the warehouse building did not meet a recent amendment of the State Building Code. He said he would prepare revised specifications and the building would be re-advertized as soon as possible. Comm. Patterson asked whether the Board should consider incorporating the recommendations of the Appearance Commission, but it was pointed out that this would increase the cost; Comm. James reminded the Board that it had agreed to re-advertize under the original specifications at the previous meeting.

3. Town Planner Eddie Madden presented the Board with the names of four people he had approached to serve on the Zoning Board as an alternate member to fill the unexpired term of Sherry Sims, who

had been appointed a regular member at the previous meeting: Mike Cavender, Steve Chenoweth, Morris Williams, and Jim Graham.

Comm. James said he felt the Board should consider having each Commissioner write the name of a nominee for such appointments on a ballot, then ask the nominee with the most votes to serve.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPOINT STEVE CHENOWETH TO THE ZONING BOARD AS AN ALTERNATE MEMBER TO FILL SHERRY SIMS'S UNEXPIRED TERM.

4. Chuck Cooper was present with a request for a translator for WHLC radio to be mounted on a ten-foot pole on the back side of the Upper Brushy Face water tank. Each Board member had received a copy of a proposed lease for such a translator, specifying a term of ten years and an annual rent of \$100, which Mr. Cooper said had been based on the lease for the National Public Radio translator located on the same water tank. He said that the translator would be four watts in power, and was intended to serve the Clear Creek Community in order to provide public safety information on school closings and the like; in reply to a question from the Clerk on the range, he said that the dependable signal would not extend much farther than Clear Creek. He said that under the FCC license which he has obtained for the site, the translator had to be constructed by February 3; in reply to a question from the Mayor, he said he did not know if he could get the deadline extended.

Comm. James commented that that was not the Board's problem; he had only heard about the proposal for the first time tonight. He pointed out that the Board had agreed to hear a presentation from MetroSite Management concerning such towers at the January 6 meeting, and he felt the Board should defer action until after that presentation.

Comm. Sossomon remembered that the Board had, after its recent approval of the antenna for Rhodes Brothers Construction, agreed to discuss a policy for such antennas before approving any more. The Clerk reminded the Board that MetroSite was endorsed by the League of Municipalities, and its services would include an inventory of sites, a model ordinance, review of rent paid for sites, and marketing of antenna sites.

Mr. Cooper said that if the Board was interested in having a consultant manage such sites for the Town, he would also be interested; he felt it would be advantageous for someone like himself or Comm. McCall to manage local sites. Comm. McCall felt that the Planning Board should review this matter and make recommendations on height and other standards. Comm. James felt that the Planning Board would need technical information first. Eddie Madden pointed out that model telecommunications ordinances were available, and it would not be difficult to work on such an ordinance, but he recommended the Board first hear the MetroSite presentation. By consensus, the Board agreed to defer this matter until after that presentation, but to place it on the same agenda for the first meeting in January.

5. MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE AN AD VALOREM TAX RELEASE OF \$104.49 FOR PROPERTY OWNED BY CELLCO PARTNERSHIP; Macon County had released the property.

6. A request had been received from Derek Taylor to install a private sewer line across NC-106 from his new building to Tom Lockard's property, formerly Blossoms Nursery, and from there across Talley Road to the Hampton Inn property, via a 2" line; the Hampton Inn sewer became a public line where it crossed the highway and connected to the Spring Street Lift Station. Comm. James asked if the line would impact the buffer zone in the front of the Hampton Inn property; Mr. Taylor was present, and said the line would be installed with a trencher and no large trees would be cut. The Town Engineer said he would prefer that the Town install the 2" line under the highway, and have Mr. Taylor reimburse the Town for the work.

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

CARRIED TO PERMIT DEREK TAYLOR AND TOM LOCKARD TO INSTALL A PRIVATE SEWER LINE ACROSS NC-106 AND TALLEY ROAD, AT THEIR OWN EXPENSE.

7. Each Board member had received an estimate of engineering services for a proposed Annexation Study pursuant to a letter dated December 15 from W. K. Dickson consulting engineer Victor Lofquist. The estimate for conducting a study of the four water areas identified at the November 18 Board meeting, and the three sewer areas, was \$2500 per area, for a total of \$17,500; if all of the areas were combined into a single study, however, the cost would be \$12,000, and similar economies of scale would affect estimates for combinations of the areas.

Geoffrey Willett was present and reviewed the annexation process in detail for the Board. He said that the "forced" annexation process would take at least 14 to 15 months to complete. The method of forced annexation that he recommended—and which Eddie Madden reported the Planning Board had also recommended—was to first adopt a Resolution of Consideration, which states that the Board is looking at certain areas for potential annexation, and describes them in writing; a survey is not required. At least one year later, a Resolution of Intent is adopted, and the Annexation Report must be in hand at that time. The Report would first determine if property in the proposed areas would qualify under the legislative tests, which involve the amount of contiguous land, housing density, etc. The Report would then analyze the cost of providing services similar to those provided in Town to the annexed areas, and revenues from ad valorem taxes, sales tax, and other redistributed taxes. The more difficult questions of water supply and demand would be answered by the engineers. The Resolution of Intent would then be followed by an informational meeting, notice to every property owner, and a formal public hearing. Mr. Willett's fee for the study would consist only of mileage and miscellaneous expenses. He reiterated that adopting the Resolution of Consideration did not commit the Board to any course of action, but it did start the clock ticking, and he recommended that the Board carefully consider amending its borders. He then answered several questions from the Board.

Comm. McCall said he did not know whether he was in favor of annexing anything until he knew what the costs would be, and what purpose it would serve the Town to do so.

Comm. James asked if some areas could immediately be identified as not qualifying, such as large areas of vacant land; he felt it would not be necessary for the engineers to study such areas. Mr. Willett said that he thought he could eliminate such areas fairly quickly before the study began.

Comm. Patterson was concerned that the engineering study would not address what would be required within the Town limits in the coming years in terms of water and sewer demand; Comm. McCall agreed. Comm. Sossomon also wondered whether that question could be addressed by the study. The Clerk reported that some of this information was available in the Town's Water Study, Sewer Study, and Water Supply Plan, but would need to be updated. Comm. James pointed out that the Town did not have an unlimited supply of water, as evidenced by four dry periods since 1980. He also pointed out that the Macon County Comprehensive Water and Sewer Study, discussed earlier in the meeting, had the potential for providing some of this information.

The consensus of the Board was to ask Mr. Willett to review the tax maps and eliminate from the study areas those properties which obviously would not qualify under the legislative tests; this information would then be forwarded to W. K. Dickson Company, and a revised estimate prepared, including an update of water and sewer supply and demand in the Town limits.

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

9. MOVED BY COMM. MCCALL, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO OFFER EMPLOYMENT TO HOWARD BROWN AND MIKE HOUSTON AS TOWN EMPLOYEES IN THE SEWER DEPARTMENT AT THEIR CURRENT SALARIES AS EMPLOYEES OF CULLIGAN OPERATING SERVICES INC.

10. Eddie Madden reported that he had been nominated for the William C. Friday Fellowship, and his application needed to be approved by the Board. If his application was accepted, the two-year Fellowship would involve attending meetings for two weeks out of the year, in the Spring and Fall; he expected to have comp time accumulated by then.

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

VII. There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:20 p.m.

Richard Betz, Town Clerk