

REGULAR BOARD MEETING of February 7, 2001, with Mayor Buck Trott and Commissioners Zeke Sossomon, Amy Patterson, H. N. James, Ron Sanders, and Mike Cavender present.

Also present were Richard Betz, Bill Coward, Lamar Nix, Maureen Lackey, Jerry Cook, Kim Lewicki, Hank Ross, Moyna Monroe, Mildred Johnson, Alan Marsh, Jodie Cook, Mary Lou Worley, Morris & Anita Williams, William Creswell, Chuck Cooper, Warren Cabe, Pat McKeon, Bill Rethorst, Rick Siegel, Bob Wright, and many others.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 7:00 p.m. He noted that several members of the Leadership Highlands program were in attendance and he welcomed them.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Clerk asked that two items be added: Approval of an addition at the Highlands Playhouse in New Business, and discussion of a personnel matter with Maureen Lackey in Closed Session. Comm. James asked that the Hugh Spurrill petition for re-zoning be placed on the agenda in Old Business. Comm. Cavender asked that discussion of a legal matter be added in Closed Session.

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

III. Approval of Minutes.

Copies of the minutes of the January 3 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that WNC Tomorrow was sponsoring a seminar on Land Use Planning in Lake Junaluska on March 7, and he invited any interested commissioners to attend.

2. Town Attorney Bill Coward was present, and reported that oral arguments had been heard in the Edwards case on January 12; a final decision could possibly be issued in 90 days.

3. Each Board member had received the Public Services Administrator's written report for the month. Lamar Nix was present and reviewed the report with the Board, noting that work has begun on the Maple Street Project, that the Town portion of the West Shore Lake Sequoyah Project was 90% complete, and that contract work on that project was scheduled to begin next week.

He also briefed the Board on two maintenance problems in the Water Department that could result in significant maintenance costs in the near future. The raw water intake pumps near the Big Creek bridge would need to be replaced soon, and there were also serious corrosion problems in the caustic tanks in the Water Treatment Plant resulting from minor leaks in the piping; the corrosion problems would require repairing and elevating the tanks and replacing the rest of the plumbing with chemical-resistant piping.

4. Each Board member had received the Police Chief's written report for both December and January; Chief Cook was present and reviewed the report with the Board.

5. The Clerk reported that Recreation Director Selwyn Chalker was attending a conference in Raleigh. He said that he and Mr. Chalker would be attending a Risk Management seminar in March which would include information on playground safety.

6. Each Board member had received a copy of the Town Planner/ Zoning Administrator's report for the month. Maureen Lackey was present and reviewed the report with the Board. She noted that the Planning Board had determined that most of the suggestions in the 1990 Land Use Plan had already been implemented. The Board was also looking at the possibility of a Hillside Overlay District, based on an ordinance from Colorado Springs, which would regulate construction on property having steep grades.

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

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

8. The Town Administrator reported that he had decided to request informal proposals on the Town's property/general liability insurance, and he requested permission to review the proposals with the Finance Committee when they had been received at the end of the month. Comms. Patterson and James agreed to meet with him. He also said that he had interviewed one individual for the position of summer intern, but had decided not to proceed with the program this year. He also reported that the County Commissioners had agreed to schedule a joint meeting with the Board at 6:00 p.m. on February 21 in Franklin.

V. Old Business.

1. Each Board member had received the fifth draft of a proposed Ordinance Regulating the Draining of Impoundments, incorporating changes discussed at the previous meeting, as well as a report from Town Engineer Lamar Nix on the size and drainage basins of various lakes in the area as requested at the previous meeting. The Board then discussed at some length the suggestion from W. K. Dickson consulting engineer Victor Lofquist at the previous meeting that the Board consider requiring an engineered plan for impoundments greater than one-half acre in surface area at full pool or 75 acres of contributing drainage area. The Board agreed by consensus to those numbers; agreed that a definition of "drainage" needed to be drafted; agreed to add language indicating that the turbidity limit should apply at all times during and after release; and agreed to provide for monitoring of the turbidity standards by an engineer or DENR officials. The Town Administrator and Town Attorney were asked to prepare the revised draft.

2. The Board reviewed two informal bids on stone and river sand received from Bryson's Grading & Trucking Inc. and LBM Industries.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE LOW BID FROM BRYSON'S GRADING & TRUCKING.

3. Comm. James asked the Board to again consider the Hugh Spurrill petition for re-zoning, which had been discussed at the previous meeting but had not been acted upon by the Board. Comm. Cavender asked about the procedure for re-considering such requests where no motion was made; he remembered other instances where the Board had failed to act upon a request. Comm. James said that he had placed the matter on the agenda because he felt that it had been a reasonable request, yet the Board had not made a decision. He reiterated his comments at the last meeting that he could not see the property being used as residential property.

MOVED BY COMM. SANDERS, SECONDED BY COMM. JAMES, TO SCHEDULED A PUBLIC HEARING FOR THE REQUEST. The motion failed to carry, with Comms. Sanders and James voting "aye" and Comms. Cavender, Sossomon, and Patterson voting "nay."

VI. New Business.

1. Warren Cabe, Macon County Emergency Management Coordinator and Fire Marshall, was present to review a recently-adopted Macon County Fire Prevention Ordinance. Mr. Cabe said that the State had mandated routine inspection for fire and safety-to-life requirements in commercial buildings in 1994, and the Town had at that time agreed for the County to conduct the inspections in Town. The Town did not have to adopt such an Ordinance, but would have to otherwise pay a Fire Marshall to do the inspections itself. The Ordinance, adopted by the County in January of 2001, was basically Volume V of the N. C. State Building Code with some local option amendments. A more equitable fee schedule had also been adopted; under the old system, a single flat rate had been charged to both businesses that complied and those that did not. The new fee was \$5 per inspection instead of \$35, with a 45-day period for correcting deficiencies; if they were not corrected, then another inspection could be conducted, and civil penalties imposed.

The Town Administrator reported that the Fire Department had reviewed and approved the Ordinance.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING RESOLUTION:

**RESOLUTION
AUTHORIZING MACON COUNTY TO ENFORCE
FIRE PREVENTION ORDINANCE IN HIGHLANDS**

WHEREAS, the Board of Commissioners of Macon County adopted an Ordinance known as the Fire Prevention Ordinance of Macon County on January 8, 2001, pursuant to G. S. § 153A-121 and 142-138(e); and

WHEREAS, the Ordinance provides that it shall be effective within the corporate limits of any municipality within Macon County upon request by Resolution of the governing body; and

WHEREAS, the Board of Commissioners of the Town of Highlands had determined that enforcement of the Macon County Fire Prevention Ordinance within the corporate limits of the Town will further the public health and safety of its citizens.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Town of Highlands duly assembled in regular session on the 7th day of February, 2001, that the Macon County Board of Commissioners be requested to enforce the Fire Prevention Ordinance of Macon County within the corporate limits of the Town of Highlands, and to bill and collect their standards fees from the property owners, as determined from time to time.

2. Each Board member had received copies of a summary that Town Attorney Bill Coward had prepared of the joint agreement between the Town and Duke for the line across the Lake Sequoyah Dam, the agreement itself, and an easement across the dam. Mr. Coward said that he had reviewed the documents, and Mr. Nix again explained the purpose of the agreement.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE AND EXECUTE THE AGREEMENT AND THE EASEMENT.

3. The Town Administrator reported that the Bowery Road Escrow Fund now contained \$89,562, consisting of contributions from 22 property owners averaging \$4000 each; the last contribution had been received in October. Comm. James said that he had placed this item on the agenda because he felt the agreement needed an end date, perhaps

in August or September; he understood that the Street Committee was working toward a compromise, but thus far nothing had happened since the agreement in December of 1999. Comm. Patterson asked what a deadline would do to the issue; did it mean that the Town would never look at the problem again? She was concerned that, if so, a safety problem would continue. Comm. James said he felt the Board would need to look at other options at that time if the agreed-upon \$400,000 had not been contributed to the fund. Mayor Trott agreed.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY AGREED TO TERMINATE THE BOWERY ROAD ESCROW AGREEMENT ON SEPTEMBER 30 UNLESS \$400,000 HAS BEEN CONTRIBUTED BY THEN.

4. Each Board member had received a copy of the Highlands Fire & Rescue Department Annual Report for 2000.

MOVED BY COMM. SANDERS, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE THE REPORT.

5. The Town Administrator reported that the Town's lease with WHLC for its five antennas on the Big Bearpen Tower, entered into in March of 1999, provided for review of the annual \$6000 lease every two years. He said that he had requested some updated information from Susan Rabold, the Town's telecommunications manager with MetroSite Management, on a recommended rent, but had not yet received it; Ms. Rabold had previously recommended an annual rent of \$9000 based on rent paid by other FM stations.

Comm. Sanders said he felt that \$500 was adequate; he said that even if the Town had a study made, it was still up to the Board to decide what was a fair amount.

Chuck Cooper submitted a package of information that he had prepared in support of the fairness of his current monthly rent of \$500. He pointed out that if rents stayed the same, the Town would make a profit on the cost of the tower, and in fact had already half paid for it. He said that his business needed a fair shake, and also said that he had not raised advertising rates since 1998.

MOVED BY COMM. SANDERS, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO LEAVE THE RATES AT \$500 FOR THE NEXT TWO YEARS.

6. Police Chief Cook reported that he had received several complaints about speeding on Webbmont Road, and that he was also concerned over the increased traffic on the road due to development in the area. The road was a State one and was not posted, and the speed limit would therefore be 35 m.p.h. in the Town limits. He recommended a speed limit of 25 m.p.h.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO REQUEST THE D. O. T. TO ADOPT A CONCURRING ORDINANCE SETTING THE SPEED LIMIT AT 25 M.P.H.

Comm. Cavender remarked that the increased construction in the area could cause a similar problem to that on Bowery Road.

7. The Town Administrator reported that G. S. §105-369(c) required the Town to advertize tax liens at least once between March 1 and June 30; the Town had traditionally advertized on the second Tuesday in June.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO ADVERTIZE FOR TAXES ON JUNE 5, 2001.

8. The Town Administrator presented copies of a proposed plan for a small addition to the Highlands Playhouse prepared by Paul Schmitt; Mr. Schmitt had told him that the addition, located beneath existing space behind the box office, would be funded entirely by the Playhouse.

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

CARRIED TO APPROVE THE ADDITION.

9. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO REVIEW APPLICATIONS FOR EMPLOYMENT IN THE TRIMMING DEPARTMENT AND TO DISCUSS A PERSONNEL MATTER WITH MAUREEN LACKEY PURSUANT TO G. S. §143-318(A)(6), AND TO DISCUSS A LEGAL MATTER PURSUANT TO G. S. §143-318(A)(3). All present left the room except the Clerk, the Town Attorney, Lamar Nix, and Maureen Lackey.

- A. The Board reviewed applications for employment in the Trimming Department. Public Services Administrator Lamar Nix recommended employing Norman Houck, currently working in the Sanitation Department, in the position.
- B. The Board discussed a letter from Maureen Lackey reporting that she would need to be out of work for six weeks due to an operation, and requesting that the Board re-imburse her for time worked at home after an initial week of sick leave.
- C. The Board discussed a legal matter pertaining to the draining of Randall Lake by Robert Nass. It was agreed that the Town Administrator and Mayor would confer with the Town Attorney, and then write a letter to Mr. Nass.

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

10. MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO EMPLOY NORMAN HOUCK IN THE TRIMMING CREW AT A SALARY OF 10-1 (\$19,214), AND TO ADVERTIZE FOR THE POSITION IN THE SANITATION DEPARTMENT.

11. MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO REIMBURSE MAUREEN LACKEY FOR TIME WORKED AT HOME WHILE RECOVERING FROM AN OPERATION, AND TO APPOINT RICHARD BETZ DEPUTY ZONING ADMINISTRATOR.

VII. MOVED BY COMM. PATTERSON AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:17 p.m.

Richard Betz, Town Clerk