

REGULAR BOARD MEETING of December 5, 2001, with Mayor Buck Trott and Commissioners Zeke Sossomon, Amy Patterson, H. N. James, Ron Sanders, and Mike Cavender present.

Also present were Commissioner-elect Hank Ross, Richard Betz, Bill Coward, Lamar Nix, Christopher Shook, Selwyn Chalker, Jerry Cook, Kim Lewicki, Bob Wright, Charlie McDowell, Larry Rogers, Jim Graham, Cathy McIntyre-Ross, Rosemary Fleming, Rick Siegel, Alan Marsh, Gerald Temple, and others.

A. Public Hearing.

The Mayor called the Public Hearing to order at 7:00 p.m. and stated that the purpose was to receive comments from the public on a proposed amendment of the Zoning Ordinance. The amendment consisted of the addition of a site on Satulah Mountain to Table A, Preferred Locations for Wireless Communications Facilities, Section 903(A), as well as a requirement that all monopoles identified in the Table be constructed using camouflage technology.

There were no comments from the public.

Town Planner Christopher Shook reported that the Planning Board had recommended deleting "80-foot camouflaged monopole" from Site No. 4, the existing site on Satulah Mountain, because there was not enough room on the lot to construct a monopole and accessory building; attachments to the tank would still be permitted.

MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO CLOSE THE PUBLIC HEARING.

B. Regular Board Meeting.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 7:03 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Clerk asked that the following items be added:

- Request by Gerald Temple to use a portion of the Main Street right-of-way for demolition of the Bird Barn.
- Review of application for employment in the Sanitation Department in Closed Session.

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

III. Approval of Minutes.

Copies of the minutes of the November 28 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that he had attended the County Commissioners meeting held in Highlands on December 3. The meeting had been well-attended, and the Macon County Zoning Ordinance had been approved on first reading with a minor change. A public hearing on the Ordinance was scheduled for January 31 at the County Courthouse.

He also reported that he had attended a public hearing on December

3 on the Draft Little Tennessee River Basinwide Water Quality Plan; comments on the Plan were due on January 11. Mill Creek and the Upper Cullasaja were still listed as impaired. The Town Administrator added that water quality in the Cullasaja River below the Town's Wastewater Treatment Plant was listed as excellent, and that there had been no decrease in quality in the river since the Plant had gone on line.

2. Town Attorney Bill Coward was present and reported that the Alice Monroe Nelson et. al. and Michael Wentz lawsuits would be heard on December 18; the lawsuits would permanently enjoin the Town from ever improving Bowery Road. The Town had moved to dismiss the cases, and was in the discover phase of proceedings, responding to interrogatories and requests for documents.

Comm. Cavender said that he had spoken with someone who had told him that the Town's recently-adopted Impoundment Ordinance was not enforceable, and he wondered what the Town Attorney's opinion was. Mr. Coward stated that it was definitely enforceable.

3. Each Board member had received the Public Services Administrator's written report for the month. Lamar Nix was present and reported that the building for the new belt press at the Wastewater Treatment Plant was almost ready for a C. O. He also reported that the Bowery Road Water Project had begun on November 19; the tank lot on Big Bearpen had been cleared, the 6" water line was being installed in Center Drive, and the 10" water line was being installed in Bowery Road.

4. Each Board member had received a copy of the Police Chief's written report for the month. Chief Cook requested permission to review an application for employment in Closed Session.

The Mayor then presented Chief Cook with a decoration signifying issuance of his Advanced Law Enforcement Certificate, as reported at the previous meeting.

The Mayor also reported that the Macon County Sheriff's Office had requested a letter of support from the Town for a grant application for a mobile crime unit.

MOVED BY COMM. SANDERS, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED FOR THE MAYOR TO WRITE A LETTER OF SUPPORT.

The Town Administrator also reported that the grant funds would be received soon from the Governor's Crime Commission, as reported at the last meeting, for modems to connect the laptops to the State's mobile data network; the modems would be ordered as soon as possible.

5. Each Board member had received a copy of the Recreation Director's report for the month. Selwyn Chalker was present and reviewed the report with the Board.

6. Each Board member had received a copy of the Zoning Administrator's report for the month. Christopher Shook was present and reviewed the report with the Board. He also said that he had spoken to Charlie McDowell, James Strahan, and First Union Bank officials about the subdivision plat reviewed by the Board on September 5. Mr. McDowell had prepared a draft revision of the plat for the Board to review. After some discussion, the Board agreed that the indication of a 40-foot right-of-way on the driveway or road off US-64 and change of the words "road" to "driveway" elsewhere on the plat would be acceptable if presented to the Board for approval again.

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

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

8. The Town Administrator reported that an informal dinner meeting

had been scheduled with the County Commissioners for January 23 at 6:00 p.m. in Highlands; the location would be announced.

He also reported that information had been compiled and forwarded to Goldstein & Associates on the Environmental Assessment for the Wastewater Treatment Plant renewal, and W. K. Dickson had asked that a public hearing be set for January 30 to receive comments from the various stakeholders.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO SCHEDULE A PUBLIC HEARING TO RECEIVE COMMENTS ON THE TOWN'S WASTEWATER TREATMENT PLANT RENEWAL FOR 7:00 P.M. ON JANUARY 30 AT THE HIGHLANDS CIVIC CENTER.

He also said that Pat Moore had reported that fund-raising for the parking lot at the Performing Arts Center, approved in concept at the October 17 meeting, had been successful, and they hoped to close on the property by December 31. Since it appeared that the December 19 regular Board meeting might be cancelled because there was nothing on the agenda, he asked if the Board would permit the lease agreement to be executed subject to approval by the Town Attorney.

MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED THAT A LEASE AGREEMENT FOR THE PERFORMING ARTS CENTER PARKING LOT BE REVIEWED BY THE TOWN ATTORNEY AND TOWN ADMINISTRATOR AND COPIES SENT TO ALL BOARD MEMBERS; IF THERE WERE NO OBJECTIONS, THE LEASE MAY BE EXECUTED.

#### V. Old Business.

1. It was reported that the Utilities Committee had met with Hospital officials earlier in the day concerning the proposed agreement for provision of water service, as discussed at the previous meeting. Revised copies had been distributed to all Board members indicating two changes: the elimination of any reference to sewer, and the deletion of a provision that the lot for the reservoir be donated to the Town. The Board then discussed the revised proposal, and several additional minor changes in wording were approved.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, TO APPROVE THE AGREEMENT SUBJECT TO THE CHANGES.

Larry Rogers was present and said that he was against the Town providing water to Chestnut Hill. He said that he had a house outside of Town and was unable to get water, and it didn't seem right. He felt that Chestnut Hill should be supplied by wells.

Comm. James said that the Committee had felt that the Town was dealing with the hospital, since it still owned the land under Chestnut Hill.

Comm. Patterson pointed out that the agreement called for any new owners of Chestnut Hill to come back to the Board for a new agreement if the land was sold. She then asked Hospital Administrator Jim Graham if there was any reasonable way to separate the Hospital and Chestnut Hill with respect to water supply. Mr. Graham said that the Hospital wanted to get out of the water business entirely, including maintenance of the wells. He also felt that a reservoir might have to be constructed to serve Chestnut Hill from the wells.

The Mayor then called the question, and Comms. James, Sossomon, Sanders, and Cavender voted "aye."

Comm. Patterson said that she was still concerned about the equality issue; she was not convinced that wanting to get out of the water business was enough of a reason to amend the Town's policy and provide water outside of the Town to a private developer when nobody else could obtain it. Comm. Sossomon pointed out that, in addition to wanting to get out of the water business, the Hospital had expressed a concern over the reliability of groundwater for its water supply.

Comm. Cavender asked if the Committee had considered obtaining the well. Comm. James said that the Committee had been concerned over the obligations to provide water to Highlands Falls Country Club and others from the well. Comm. Sossomon felt that the Board might

want to consider the right of first refusal if the Hospital ever wanted to sell the wells.

Comm. Patterson stated that her vote was "nay" for the reason cited. The motion carried.

2. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, TO APPROVE THE PROPOSED AMENDMENT OF THE ZONING ORDINANCE, SUBJECT OF THE PUBLIC HEARING PRECEDING THE MEETING, INCORPORATING THE RECOMMENDATION MADE BY THE PLANNING BOARD.

Comm. James said that he did not think that Site No. 4 should be eliminated from the Table; he pointed out that the water tank on the site might be moved or demolished in the future, thus making room for a tower.

Comm. Sossomon withdrew his motion, amended it, and then withdrew his amended motion.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE THE PROPOSED AMENDMENT OF THE ZONING ORDINANCE, INCORPORATING THE RECOMMENDATION MADE BY THE PLANNING BOARD.

#### VI. New Business.

1. The Mayor thanked outgoing Commissioner Zeke Sossomon for his service on the Board, and invited Commissioner-elect Hank Ross to the table. The Clerk then administered the oath of office to the Mayor, Comm. Patterson, and Comm. Ross.

Comm. Ross said that Comm. Sossomon had served the Board well, and he only hoped that he could do the same.

2. Comm. James nominated Comm. Patterson for Mayor Pro-Tem.

MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPOINT COMM. PATTERSON MAYOR PRO-TEM.

3. The Mayor appointed the following Committees of the Board:

- Finance Committee: Herbert N. James & Amy E. Patterson
- Utilities Committee: Herbert N. James & Hank Ross
- Street Committee: Mike Cavender & Ron Sanders
- Recreation Committee: Ron Sanders & Amy E. Patterson

4. MOVED BY COMM. PATTERSON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE RE-ELECTION OF MIKE MCCALL AS FIRE CHIEF FOR A ONE-YEAR TERM, AND THE APPOINTMENT OF BOB HOUSTON TO THE FIREMEN'S RELIEF FUND FOR A TWO-YEAR TERM.

5. The Board agreed by consensus to accept the resignation of Hank Ross from the Planning Board and Appearance Commission. Appointment of members was then discussed. Comm. Cavender nominated Alan Marsh. The Town Administrator pointed out that members of the Appearance Commission were required to be residents of the Town; members of the Planning Board did not.

Comm. Cavender nominated Alan Marsh to the Planning Board. Comm. James nominated Zeke Sossomon to the Planning Board.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. ROSS, AND CARRIED TO APPOINT ALAN MARSH TO THE PLANNING BOARD TO FILL HANK ROSS'S UNEXPIRED TERM. Comms. Cavender, Ross, Patterson, and Sanders voted "aye;" Comm. James voted "nay."

Comm. Sanders nominated Zeke Sossomon to the Appearance Commission.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPOINT ZEKE SOSSOMON TO THE PLANNING BOARD TO FILL HANK ROSS'S UNEXPIRED TERM.

6. MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO RENEW THE CONTRACT FOR MAINTENANCE OF THE HIGHLANDS MEMORIAL PARK CEMETERY WITH J & J LAWN SERVICE FOR THE CALENDAR YEAR 2002.

7. The Town Administrator recommended Christmas Bonuses in the same amounts as last year.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, 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
More than twenty years of service.....	\$250.00

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

8. Gerald Temple was present representing the owner of the Bird Barn property, requesting permission to proceed with demolition of the building. He said that the only way to demolish the building was by removing the sidewalk and handrail on Main Street. The work would take approximately one week and was proposed to begin after the first of the year. Replacement of the building would take four to five months following approval by the Zoning Board.

The Board discussed the request at some length. Comm. James felt the building and sidewalk in this location should be lowered to street level. The Mayor said that he felt the property owner could access the property from the rear of the property, or could do the work by hand. Comm. James was also concerned that the Special Use Permit was not in place, and Comm. Patterson agreed. It also appeared that there were questions relating to ratio of building to lot and watershed built-upon that should be addressed in the Zoning Board's approval process. The Board agreed by consensus to take the request under advisement.

9. MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318(A)(6) TO REVIEW APPLICATIONS FOR EMPLOYMENT IN THE SANITATION AND POLICE DEPARTMENTS, AND PURSUANT TO G. S. §143-318(A)(3) TO DISCUSS SETTLEMENT OF THE EDWARDS ET. AL. CASE WITH THE TOWN ATTORNEY. All present left the room except the Clerk, the Police Chief, the Public Services Administrator, and the Town Attorney left the room.

A. The Board reviewed an application for Police Officer from Tony Carver with the Police Chief.

B. The Public Services Administrator reported that Randy Thrift had asked to be transferred from the Street to the Sanitation Department; the salary was the same for both positions.

The Police Chief and the Public Services Administrator then left the room.

C. The Board discussed settlement of the Edwards et. al. case with the Town Attorney. Bill Coward reported that he had discussed a settlement with Richard Melvin, as authorized at the previous meeting, but had been unable to arrive at a compromise that recognized the validity of Poplar, Fifth and 4½ Streets. The Board discussed this matter at some length but took no action.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. Members of the public were invited back into the meeting room.

10. MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO EMPLOY TONY CARVER AS A FULL TIME POLICE

OFFICER AT A SALARY OF 11-1 (\$20,994), TO TRANSFER RANDY THRIFT FROM THE STREET DEPARTMENT TO THE SANITATION DEPARTMENT AT THE SAME SALARY OF 9-1 (\$19,020), AND TO ADVERTIZE FOR AN EMPLOYEE IN THE STREET DEPARTMENT.

11. The Town Attorney stated that the Board had discussed the Edwards et. al. case in Closed Session but no action had been taken.

VII. MOVED BY COMM. CAVENDER AND UNANIMOUSLY CARRIED TO ADJOURN. There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:45 p.m.

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Richard Betz, Town Clerk