

REGULAR BOARD MEETING of January 16, 2002, with Mayor Buck Trott and Commissioners H. N. James, Ron Sanders, and Hank Ross present. Comms. Patterson and Cavender were out of Town.

Also present were Richard Betz, Bill Coward, Lamar Nix, Christopher Shook, Selwyn Chalker, Kim Lewicki, Gladys McDowell, Moyna Monroe, James Tate, John Lupoli Sr., Alan Marsh, and others.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 7:00 p.m.

II. Approval of Agenda.

The Mayor said he understood James Tate needed to leave early, and asked if his request under New Business could be heard immediately after approval of the minutes; the Board agreed.

The Clerk reported that a hearing had been held in Franklin on the previous day concerning Bowery Road, and he said that Town Attorney Bill Coward had asked to speak to the Board in Closed Session concerning that litigation; the Board agreed.

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

III. Approval of Minutes.

Copies of the minutes of the December 6 Regular Board Meeting had been distributed by mail; the Clerk reported that he had noted and corrected one minor error.

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

James Tate then asked the Board for permission to replace five stone steps which were located within the Main Street right-of-way with concrete steps. Two of the steps, which were of different rises and unsafe, were to be donated to the Historical Society; he distributed photographs of the steps. The Town Administrator recommended that, if approved, a Revocable License Agreement be executed for the steps.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE STEPS SUBJECT TO EXECUTION OF A REVOCABLE LICENSE AGREEMENT.

IV. Reports.

1. The Mayor reported that he had attended the Institute of Government's School for New Mayors and Council Members in Asheville with Comm. Ross, Richard Betz, and Christopher Shook.

He also reported that he had received from Jack Horton, Haywood County Manager, a copy of a proposed resolution endorsing the creation of a Western North Carolina Local Government Caucus. The purpose of the Caucus was to ensure that this area of the State received its fair share of funds. The Board agreed to take the resolution under advisement until later in the meeting.

2. Town Attorney Bill Coward reported that Judge Downs had held a hearing on a request for a stay by the property owners along Bowery Road on the previous day, an item which the Board had agreed to discuss further in Closed Session with him.

3. Each Board member had received the Public Services Administrator's written report for the month. Lamar Nix was present and reviewed the report, adding that the Certificate of Occupancy had been received for the belt press building.

He also reported that, as requested at a previous meeting, he had obtained an estimate of \$7,000 for constructing a raised sidewalk at the corner of Fifth and Pine Street, although the contractor did not want to do the work until the Spring; the sidewalk would have two 20-foot curb cuts for entrances off both streets. Hank Ross asked if the design included planters, and was told that it did not, but that they could be added. Comm. James felt that the plan should be sketched out and that the new property owner of the building at this location should be informed of the plan. The Mayor asked Comm. Ross to work with Mr. Nix in preparing the plan.

Mr. Nix also reported that work was continuing on the Bowery Water Improvement Project. Moyna Monroe was present and asked about blasting for the water line. She was informed of the location for the line and told that construction would be limited to the existing road bed.

Comm. Sanders asked about several traffic cones adjacent to the sidewalk at the Texaco station on Fourth and Main Streets. He was told that they belonged to the property owner and their purpose was to prevent trucks from hitting the canopy over the gas tanks. He suggested that perhaps a raised sidewalk might be a solution to this problem.

4. Each Board member had received a copy of the Recreation Director's report for the month. Selwyn Chalker was present, and requested permission to employ two part-time employees, Wendy Ramey and Bill Getchell, to replace Tom Harris, who was no longer able to work due to health problems. Comm. Sanders felt that the Recreation Committee should discuss the request at the Committee meeting scheduled for 6:00 p.m. January 21.

5. 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. Also included with the report was an annual report, indicating that there had been a total of \$10,117,696 in commercial and \$155,200 in residential construction during the previous year, a significant increase over previous years.

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

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, 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. He reported that the Board of Transportation had approved small urban funding for Bowery Road on December 6, and paving was to be scheduled by the District Engineer's office upon conveyance of the right-of-way. He also reported that the public hearing was scheduled for 7:00 p.m. on January 30 at the Highlands Civic Center for the Wastewater Treatment Plant permit renewal; W. K. Dickson Senior Engineer Kurt Wright, P.E., would be present to coordinate the meeting. The informal joint dinner meeting between the Town Board and the County Board of Commissioners was scheduled for 6:00 p.m. on January 23 at the Highlands-Cashiers Hospital board room. He also reported that a business owner was challenging the Parking Ordinance adopted last year; the Town Attorney had prepared a brief and the case would be decided on January 31, although oral arguments might not be required.

Moyna Monroe interrupted the report to ask the Town Attorney to tell the Board what Judge Downs had "told him to do by next Wednesday." She also commented, "this is not good," and said that she was very disappointed.

The Town Administrator continued his report, saying that he and the Recreation Director were obtaining an estimate on replacing the rest room partitions at the Highlands Civic Center and in the Public Rest Rooms; repairs to the latter were partially funded by the Chamber

of Commerce each year.

V. Old Business. None.

VI. New Business.

1. Each Board member had received a copy of the Annual Report of the Highlands Fire & Rescue Department for information. Comm. Sanders commented that he would have liked more time to review the report, as well as the by-law changes.

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

2. The Town Administrator had also distributed copies of revised by-laws of the Highlands Fire & Rescue Department; he reported that they consisted of a change in voting for junior firemen from two-thirds to majority, and a requirement that the by-laws could only be amended once each January, rather than at every meeting.

MOVED BY COMM. SANDERS, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE THE AMENDMENTS OF THE BY-LAWS.

3. Each Board member had received a letter of resignation from the Zoning Board from Anne DeVille. Nomination forms, together with a list of citizens who had expressed an interest in serving on Boards, were distributed, and it was agreed that this item would be placed on the agenda of the February 6 meeting.

4. Each Board member had received a copy of a petition for re-zoning from the Heirs of A. B. and Pearl C. Potts for a 0.41 acre portion of a tract on the north side of Spruce Street, from R-2 Residential to B-4 Business, together with a new plat which had been prepared for the property and the pertinent section of the Zoning Map. Gladys McDowell was present and said that Mountain Findings had made an offer on the portion of the property where the house was located and hoped to close by March 15. She also pointed out that Mountain Findings had returned \$68,000 to the community in 1999 and \$61,400 in 2000, and hoped the Town would approve the change. Comm. James noted that this property had been turned down for B-3 zoning several years ago; he felt the Planning Board should be asked to look at the entire property as B-4, not just the portion with the house.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO REFER THE PETITION TO THE PLANNING BOARD FOR REVIEW, WITH THE FOREGOING RECOMMENDATION.

5. Each Board member had received a copy of a letter dated December 26 from Mary Anne Creswell, Secretary of Highlands Emergency Council, requesting some assistance with utility bills for its building on Poplar Street which it leased from the Town; the bills averaged \$45 monthly. Comm. James felt that this request should be discussed at budget time when donations to all non-profit organizations should be reviewed. The Board agreed to take the request under advisement until that time.

6. The Board again considered the proposed resolution endorsing the creation of a Western North Carolina Local Government Caucus. Comm. Ross asked the Mayor how he felt about the idea. The Mayor said that he had initially had some reservations about the Caucus, but had changed his mind after recently talking to the Southwestern Commission; he felt that it would help the Town, and recommended adopting the resolution of endorsement.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO ADOPT THE RESOLUTION, BASED ON THE MAYOR'S RECOMMENDATION. A copy is attached hereto and made a permanent part of this record.

7. MOVED BY COMM. ROSS, SECONDED BY COMM. SANDERS, 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 STREET DEPARTMENTS, AND PURSUANT TO G. S. §143-318(A)(3) TO DISCUSS THE BOWERY ROAD LITIGATION WITH THE TOWN ATTORNEY. All present left the room except the Clerk, the Town Attorney, and the Public Services Administrator.

- A. The Public Services Administrator recommended transferring Jason Wilbanks from the Sanitation to the Street Department. He also reported that he had reviewed an application for Sanitation Department from Robert Lambert with Department Head Larry Holt, and based on that he recommended employing him.
- B. The Board discussed legal strategy in the Bowery Road litigation with the Town Attorney, subsequent to a hearing on a request for a stay by the property owners along Bowery Road on the previous day. Bill Coward reviewed in detail a draft Press Release that he had prepared which explained the position of the Town with respect to the litigation and which outlined a proposed agreement with the land owners and their attorney.

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

8. MOVED BY COMM. SANDERS, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO EMPLOY ROBERT LAMBERT IN THE SANITATION DEPARTMENT AT A SALARY OF 9-1 (\$19,020), AND TO TRANSFER JASON WILBANKS FROM THE SANITATION TO THE STREET DEPARTMENT AT HIS CURRENT SALARY OF 9-2 (\$19,495).

9. A copy of the Press Release discussed in Closed Session was given to Kim Lewicki and Moyna Monroe.

MOVED BY COMM. SANDERS, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO APPROVE THE PRESS RELEASE.

10. Kim Lewicki then asked the Board, in a series of questions, what its opinion was on the issuance of a permit to Highlands Country Club for a residence to be apparently used for employee housing; Zoning Administrator Christopher Shook had left the meeting when the Board had gone into Closed Session. The Mayor said that in his opinion the Zoning Administrator had gone by the book; he had reviewed the Ordinance and decided the application had met all requirements. Comm. Sanders said that he had not heard about the permit until one day last week; he did not know how they could build the residence. Comm. Ross expressed concern that the residence could be turned into a dormitory in the future if the Country Club prevailed in its litigation. Comm. James said he had discussed this with the Zoning Administrator and was not satisfied with the decision. He felt that it should have been passed by the Zoning Board out of courtesy, and he also was concerned that the site plan did not clearly show the density.

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

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:00 p.m.

---

Richard Betz, Town Clerk