

REGULAR BOARD MEETING of July 3, 2002, with Mayor Buck Trott and Commissioners H. N. James, Ron Sanders, Mike Cavender, Hank Ross, and Amy Patterson present.

Also present were Richard Betz, Bill Coward, Lamar Nix, Jerry Cook, Selwyn Chalker, Larry Gantenbein, Bob Wright, Alan Marsh, Col. E. A. Niblack, Bill Reynolds, Jack Bournemann, Gladys McDowellm, and Kim Lewicki present.

I. Call to Order.

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

II. Approval of Agenda.

Copies of the agenda had been distributed by mail.

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

III. Approval of Minutes.

Copies of the minutes of the June 19 Regular Board Meeting and the June 26 Budget Hearing and Special Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that the Macon County Board of Commissioners had held their regular monthly meeting at the Conference Center on July 1, followed by an informal lunch. The County Impoundment Ordinance had been adopted at the meeting, effective July 1; the final version had provided for the County Board of Commissioners to hear appeals and for a \$5,000 fine for violations. Comm. Cavender pointed out that the Ordinance was not effective until the interlocal agreement had been executed, providing for the Town Watershed Administrator to enforce it; he wondered if the County could be asked to change the Ordinance at this point. Comm. James felt that that request had already been made, and he felt the Ordinance would not be changed at this point; but he felt that it was a good starting point, and as time went on the County would accomplish more. He felt that the interlocal agreement should be executed.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND CARRIED TO EXECUTE THE INTERLOCAL AGREEMENT PROVIDING FOR ENFORCEMENT BY THE TOWN. Comms. James, Sanders, and Patterson voted "aye;" Comms. Cavender and Ross voted "nay."

2. The Mayor had asked the Street Committee to look at the feasibility of installing a guardrail on Little Bearpen Mountain as a result of the recent paving; Comm. Cavender had looked at it, but Comm. Sanders had not yet had the opportunity. Town Engineer Lamar Nix said that the shoulders were much higher now, and that had brought out how dangerous the road was, especially at the switchback; he recommended a guardrail. Comm. James said that if water was not sealed out, he believed a guardrail would make the shoulder come out faster. Comm. Sanders agreed to look at the road before the next meeting.

Comm. Ross said that he and Comm. James had discussed meeting to discuss sewer connection priorities, as well as the expiration of the S. B. Associates permit. Comm. James felt that the Town Engineer should update his review of the pump stations on that system, and determine if they had alternating pumps and standby power. The Town Administrator said that he understood from conversations with DENR

officials in the Asheville Regional Office that the permit would definitely not be renewed, but he recommended that the Town obtain some assurance in writing. Mr. Nix said that the State had requested as-built plans for the system, and he offered to determine if they had been provided. The Utilities Committee agreed to meet and discuss this with the Town Engineer at greater length.

3. Town Attorney Bill Coward was present and reported that he expected a decision on the Bowery Road case before the next meeting. Each attorney had been requested to prepare judgements; they had done so and submitted them to Judge Downs.

4. Each Board member had received a copy of the Public Services Administrator's written report for the month. Lamar Nix was present and reviewed the report, adding that the Bowery Water Project was now 100% complete. He also asked to meet with the Street Committee concerning a request from the Presbyterian Church for an additional handicapped parking space on Church Street.

5. Each Board member had received a copy of the Police Chief's written report for the month. Jerry Cook was present and reviewed the report. Chief Cook also asked for permission to close Sunset Road to traffic beginning at 4:00 p.m. on July 4 for the fireworks display.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO CLOSE SUNSET ROAD AS REQUESTED.

6. Each Board member had received a copy of the Recreation Director's report for the month. Selwyn Chalker was present and reviewed the report, adding that the Rec Camp and pool were doing fine. He was still waiting for a price on replacing the air handler at the Civic Center.

7. Each Board member had received a copy of the Zoning Administrator's report for the month. Larry Gantenbein was present and reported that Regions Bank had broken ground earlier in the day.

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

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

9. The Town Administrator reported that he and Town Engineer Lamar Nix had met with Kurt Wright on June 27 and discussed the Wastewater Treatment Plant. The permit had been submitted; however, in addition to the usual 45 to 60 day review period for the permit, he now understood there would be a review of the Environmental Assessment that could take as long as five months. In the meantime, W. K. Dickson was going to proceed with the next phase, the "Basis of Design" or preliminary plans, in consultation with the Town Engineer and Plant operators; the cost was part of the \$400,000 budgeted this year. If the five-month estimate was correct, construction plans could begin in November, and could take as long as six months to prepare; construction would then begin in the fall of 2004.

He also reported that he had met with Sam Sprinkle last week and reviewed progress on the surveying for the Edwards case. The aerials had been completed, and the balance of the surveying was underway; he expected to be able to meet the November deadline. He also distributed a memo providing fuel/utilities costs on the Performing Arts Center for the previous year, as requested; the total amount was \$8,167.

He also reported that Mountain Findings had asked Rhodes Brothers to pave the parking along Spruce Street and the margin of the right-of-way in conjunction with the annual paving contract; the cost was \$1869. They had asked the Board to consider absorbing the cost of the paving since they had been investing capital in renovating their new building and constructing a storage shed; the request was a one-time request.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO PAY FOR THE PAVING OF THIS PARKING AREA.

V. Old Business.

1. The Board discussed a memo prepared by Town Planner Larry Gantenbein and distributed with the agenda package, explaining in some detail the recommendations of the Planning Board at its June 24 meeting on several proposed amendments of the Zoning Ordinance. The Planning Board had asked that one of the amendments--the proposed deletion of Section 110(B)(2), limiting the cost of alteration and repairs of a non-conforming building in any 12-month period to 50% of the value of the building--be deferred until the next monthly meeting to permit Dennis Dewolf to appear before the Board. The Board discussed this at some length.

MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING ON THE AMENDMENTS FOR 7:00 P.M. ON SEPTEMBER 18.

VI. New Business.

1. The Board had agreed at the June 19 meeting to appoint a Land Use Planning Committee, consisting of the Planning Board and six additional members; each Board member had been asked to submit two names in nomination for these members. The Board agreed to place this matter on the agenda of the next ext meeting.

2. Col. E. A. Niblack was present to request permission to use the Town's firing range at the Wastewater Treatment Plant for a turkey shoot as a fund-raiser for the Highlands Mountain Top Rotary. The one-time event would be held on a Saturday in the fall from 10:00 a.m. until 2:00 p.m., and both Police personnel and Wastewater Treatment Plant personnel would be present. Town Policy adopted on July 1, 1998, provided that the firing range could be used for "other official uses specifically approved by the Police Chief." Town Attorney Bill Coward asked if the Town's liability insurance would cover the event. Bill Reynolds was present and stated that the Rotary would provide insurance.

MOVED BY COMM. SANDERS, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE THE TURKEY SHOOT, CONTINGENT ON SATISFACTORY PROOF OF INSURANCE BY MOUNTAIN TOP ROTARY BEING PROVIDED TO THE TOWN ADMINISTRATOR.

3. MOVED BY COMM. ROSS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318(A)(3) TO DISCUSS AN OFFER OF SETTLEMENT OF THE TOWN V. EDWARDS ET. AL. CASE WITH THE TOWN ATTORNEY, AND PURSUANT TO G. S. §143-318(A)(6) TO REVIEW APPLICATIONS FOR EMPLOYMENT IN THE TRIMMING CREW AND THE STREET DEPARTMENT. All present left the room except the Clerk, the Town Attorney, and the Public Services Administrator.

A. The Board discussed a confidential letter dated June 5, 2002, from Richard Melvin offering to settle the Edwards et. al. case. After considerable discussion, Comms. Patterson, James, and Sanders agreed to deny the offer; Comm. Ross agreed also, although he expressed a desire that another solution could be found; Comm. Cavender said that he would prefer to continue to negotiate. The Town Attorney was instructed to write a letter denying the offer.

B. The Board reviewed an application for employment from George Wilson in the Trimming Department; the Tree Trimmer Crew Leader and Public Services Administrator recommended employing Mr. Wilson. The Public Services Administrator also reported that he was still reviewing applications

in the Street Department, but would like to promote Jonathan Shaheen from Equipment Operator I to Assistant Street Superintendent to replace Roy Henry, who had retired on disability.

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

4. MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO EMPLOY GEORGE WILSON AS TREE TRIMMER AT A BEGINNING SALARY OF 10-1, AND TO PROMOTE JONATHAN SHAHEEN TO THE POSITION OF ASSISTANT STREET SUPERINTENDENT AT A SALARY OF 10-3.

VII. MOVED BY COMM. SANDERS, SECONDED 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 8:55 p.m.

Richard Betz, Town Clerk