

REGULAR BOARD MEETING of September 4, 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, Lamar Nix, Jerry Cook, Selwyn Chalker, Larry Gantenbein, Alan Marsh, Bill Mann, Mary Berry, Bill Basham, Arthur Paoletti, Regina Paoletti, Wolfgang Green, Mildred Johnson, and Kim Lewicki.

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. The Mayor reported that the Police Chief had requested that the Board review an application for employment in Closed Session. The Clerk reported that he had neglected to place appointment of a member to the Land Use Planning Committee on the agenda.

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

III. Approval of Minutes.

Copies of the minutes of the August 21 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that, according to the final tally, \$166,029 had been raised at the recent Relay for Life for the American Cancer Society. He also reported that the Satulah Bluegrass Festival the previous weekend, sponsored by the Highlands Land Trust, had also been a success. He also reported that he had attended a lecture by Fleming Bell from the Institute of Government in Forest Hills, which had included an informative discussion of the Open Meetings Law.

2. The Town Administrator reported that Town Attorney Bill Coward could not be present, but had informed him that a notice of appeal to State Court of Appeals had been filed in the Bowery Road case. He also said that Mr. Coward had approved a release form prepared by Larry Gantenbein for the upcoming turkey shoot.

3. 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 Moorwood pump station had been installed; the pump station now pumped twice as much water more efficiently, and had a greatly improved control panel. The caustic tanks had also been replaced at the Water Treatment Plant, and the chlorine contact basin had been coated at the Wastewater Treatment Plant. He also reported that he and Mike Houston would be visiting the Aquaerobics Plant next week, and hoped to get ideas which would be incorporated into the design of the new Plant.

The Mayor asked about the water problems on Holt Knob discussed at an earlier meeting, and Mr. Nix reported that he would be able to provide a proposal to address the problems after the hydraulic modeling had been done on the water system.

4. Each Board member had received a copy of the Police Chief's written report for the month; Jerry Cook was present.

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, adding that the chiller pump had been replaced, but he was still awaiting a price on replacing the air handler; he commented that Building Controls & Maintenance had responded quickly to the problem. He also reported that Tammy Lowe and Patrick Henry had declined to accept part-time employment at the front desk, as reported at the previous meeting; he requested that Sue Hall and Dale McCall be employed.

MOVED BY COMM. SANDERS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO EMPLOY SUE HALL AND DALE MCCALL PART-TIME IN THE RECREATION DEPARTMENT.

He also reported that work was underway on the County's ballfield on Buck Creek Road.

The Mayor reported that there was still no word on funding for the water line to the Highlands-Cashiers Hospital.

6. Each Board member had received a copy of the Zoning Administrator's report for the month. Larry Gantenbein was present and reported that permit revenues were up this month. He also reported that the Land Use Planning Committee had met on August 26 and was off to a good start; the Committee had covered a lot of ground, including setting a time line, establishing ground rules, and identifying the entire watershed as the planning area. The next meeting was scheduled for 6:30 p.m. on September 9.

7. 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.

8. The Town Administrator reported that he had written to Robert Nass, as requested at the previous meeting, asking that the Town be notified if repairs to the Randall Lake Dam necessitated cutting of water supply in Big Creek, and that such work be deferred until after the current water shortage if possible. Comm. Cavender asked if he had contacted the Town Attorney about what recourse the Town would have if he cut off the water supply. Mr. Betz said that he had spoken to both the Town Attorney and a DENR official in the Asheville Office, and apparently there was no regulation in place to prohibit such an eventuality.

He also reported that the Town had received the speculative limits for the Wastewater Treatment Permit, and consulting engineer W. K. Dickson had indicated there would be no problem meeting the limits; Town Engineer Lamar Nix agreed that the proposed tertiary treatment would enable the limits to be met. He also reported that specification had been obtained for the Electric Department line truck, and bids would be accepted at the October 2 meeting. He also noted that the Utility Bill drop box at Highlands Plaza was getting good usage, with between 250 and 300 customers using it each month.

V. Old Business.

1. Town Engineer Lamar Nix reported that he had obtained an estimate on 261 linear feet of monolithic slab concrete sidewalk in front of Rib Country along the east side of South Fourth Street, between South and Spring, as requested at the previous meeting. A six-foot wide sidewalk could be installed without relocating two utility poles and an 8" sewer service; when the sewer service was replaced at some time in the future, it could be placed in the road. The price would be \$10,440, with the Town doing the grading.

He also reported that he had obtained an estimate on 500 linear feet of sidewalk, curb & gutter, and paved parking along the south side of Chestnut Street between North Fourth Street and the Performing Arts Center. Grading would be done by the Town, and approximately

45 parking spaces would be created. The price would be \$50,089. He recommended asking Sprinkle Surveying to confirm the location of the street right-of-way in both instances before proceeding.

Comm. Ross expressed some concern over saving the trees and rhododendron hedge along the street, and suggested that parallel parking could be installed instead. Comm. Cavender suggested waiting until the new parking lot off Laurel Street was paved and marked off before making a decision. Comm. James asked about the estimate on repairing existing sidewalks; he felt that would have to come first before new sidewalks. Mr. Nix stated that he had not yet been able to review the maintenance needs. He believed that the sidewalk along Pine Street was in the worst shape, but he understood that the Chamber of Commerce had been developing plans for streetscape along that street.

2. The Town Administrator reported that he had received the following nominations for members of the Land Use Planning Committee to replace Jim Graham, who had said that he would not be able to serve:

- First preference, no member needed; second preference, Larry Rogers (two Commissioners).
- First preference, no member needed; second preference, James Tate (one Commissioner).
- James Tate (two Commissioners).

Comm. Sanders asked if the Committee really needed 13 members. Comm. Patterson replied that she did not think the number mattered that much.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO APPOINT JAMES TATE TO THE LAND USE PLANNING COMMITTEE. Comm. James commented that although he had voted "aye," that was not his preference.

VI. New Business.

1. The Town Administrator reported that one sealed informal bid had been received pursuant to advertisement for a pickup truck for the Recreation Department. He said that the specifications had called for a 2002 model with a 5-speed manual transmission and a V-8 engine, but he had learned that that vehicle was no longer in production; the bid received had been for a 2003 model, although he had not opened it. He recommended re-bidding for a 2003 model.

MOVED BY COMM. SANDERS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO RE-BID THE PICKUP TRUCK OCTOBER 2.

2. Each Board member had had the opportunity to review a proposed Ordinance levying a tax on gross receipts from the rental of vehicles, distributed at the August 21 meeting, and an interlocal agreement with Macon County for collection of the tax. He noted that Franklin already had such an Ordinance and agreement in place, and that the Town's annual share of these revenues would amount to about \$1000.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO ADOPT THE ORDINANCE AND APPROVE THE AGREEMENT.

3. Arthur Paoletti and Regina Paoletti were present to discuss two benches placed on the public sidewalk in front of their restaurant on Main Street. The Town Administrator briefly reviewed the Town's ordinance on sidewalks adopted January 4, 1995, which prohibited new benches on the public sidewalks; existing benches and chairs like those at Highlands Inn had been "grandfathered," but new requests had been denied in the past.

Arthur Paoletti displayed photographs of the two benches, which he said were equipped with ashtrays since Paoletti's was a non-smoking restaurant. He said that they wanted to offer a place to people

when they were walking, and that they had had nothing but compliments. He had been informed about the Ordinance and understood that the chairs at Highlands Inn were "grandfathered," but he noted that his own benches obstructed the sidewalk less than the chairs; he said there was at least six feet of clearance on the sidewalk. He felt that the benches were an asset, and he did not feel that they increased liability. Regina Paoletti said that they did not favor benches all over Town, they just wanted an exception in this particular case.

The Board discussed the matter at some length. Larry Gantenbein said that the dilemma was that there were few places for pedestrians to sit, but on the other hand most buildings were zero setback; he personally felt that the Town should permit them every fifty feet, and said that the liability issue was nominal. He also said that the bench was non-conforming and a variance could not be issued for a conforming use. Comm. Patterson felt that there needed to be room for pedestrians, and that approving the request would lead to a proliferation of benches. Comm. Ross hoped that this was one thing that would come out of the Land Use Planning Committee; he felt that perhaps there would be some room for benches in conjunction with some kind of streetscape. Comm. James felt that the Board would have to stay with its existing policy for now and deny this request.

MOVED BY COMM. ROSS, SECONDED BY COMM. CAVENDER, TO SEND THE REQUEST TO THE STREET COMMITTEE FOR A RECOMMENDATION. The motion carried, with Comms. Ross, Cavender, and Sanders voting "aye," and Comms. James and Patterson voting "nay."

Comm. Cavender asked Mr. Paoletti if he would agree to remove the bench pending the Committee's recommendation at the next meeting, and he agreed to do so.

4. Bill Basham was present to discuss the Chamber of Commerce's plans for Art Walk 2002, and he distribute a schedule of events for the weekend of September 13-15. He said that the parade scheduled for Saturday would take place entirely on the sidewalks, but he requested that Pine Street east of the Law Offices be closed from 12:30 to 3:30 p.m.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE THE REQUEST.

5. Mary Berry was present representing the Highlands Historical Society. She said that the Society had been asked to facilitate a grant for the residents of a proposed North Highlands Historic District, initiated by residents in the area in the early 1990's, and including 23 buildings, some constructed in the 1880's. The District had recently been placed on the Study List, and it had been identified as the most cohesive neighborhood in Town. She said that the Society was willing to help facilitate the grant, but at the same time appreciated the continuing support and goodwill of the Board, and she asked if there was any objection.

The Town Administrator said that he had been asked to check with Town Attorney Bill Coward to see if the District would affect the pending Edwards et. al. litigation, since it included the Edwards property and others in the area. Mr. Coward had replied by e-mail that, if the Town won the case and decided to construct a road on Poplar, Fifth, or 4½ Street, the National Register officials would have to be consulted; their opinion was advisory, as the law now stands. If the Town lost the case and decided to condemn the property, its designation would increase the cost to the Town. He recommended the Town adopt a policy of taking no position in order to avoid problems that may not be apparent now.

The Board took no position on this matter.

Comm. James was concerned about the possible increase in tax value due to the designation, and asked the Town Administrator to check with the Macon County Tax Supervisor.

6. MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND

UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(6) TO REVIEW AN APPLICATION FOR EMPLOYMENT IN THE POLICE DEPARTMENT. All present left the room except the Clerk and the Police Chief.

The Board reviewed an application for employment from Bradly Dean Hovis with the Police Chief.

MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. The doors were opened but no members of the public were present.

7. MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO EMPLOY BRADLY DEAN HOVIS AS A FULL-TIME POLICE OFFICER AT A BEGINNING SALARY OF 11-1 (\$22,043) FOR THE REQUIRED 12-MONTH PROBATIONARY PERIOD.

VII. The Board agreed to adjourn by common consent.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:21 p.m.

Richard Betz, Town Clerk