

REGULAR BOARD MEETING of March 5, 2003, with Mayor Buck Trott and Commissioners H. N. James, Ron Sanders, Hank Ross, Mike Cavender, and Amy Patterson present.

Also present were Richard Betz, Lamar Nix, Larry Gantenbein, Selwyn Chalker, Kim Lewicki, Bob Wright, Dennis DeWolf, Dixie Barton, Thomas Craig, Ginger Slaughter, Paul Schmitt, Jim Rothermel, Alan Marsh, Lewis Doggett, Bill Basham, Jack Bournemann, Peter Jefferson, Joan Jefferson, Rick Siegel, Helene Siegel, John Schiffli, Jack Calloway, Jim Graham, Clem Patton, Rosemary Fleming, Mary Berry, and others.

I. Call to Order.

The Mayor called the meeting to order at 7:00 p.m.; he said that Comm. Patterson had been called out on an emergency immediately before the meeting had been called to order.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail.

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

III. Approval of Minutes.

Copies of the minutes of the February 5 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported briefly on the joint informal dinner meeting between the Board and the County Board of Commissioners held at Rib Country on February 10. Among the items discussed had been the upcoming tax revaluation, the new school gymnasium, the water line to the Hospital and paving of US-64, construction at the County Ballpark on Buck Creek Road, and the Sheriff's continuing coverage of Highlands, which he again commended.

He also reported that he had attended the March 3 County Commissioners meeting; an enhanced 911 system had been approved, as well as final plans for the Highlands School gymnasium.

He also reported that he and the Board had been invited to attend a reception the following evening, March 6, honoring the County Commissioners and the Land Trust for the Little Tennessee for the NC Wildlife Federation's Governor's Award for conservation efforts in the Upper Little Tennessee Valley.

2. The Town Administrator reported that he had reviewed the meeting with the Town Attorney, who had not been able to be present, and learned that paralegal research on the right-of-way of Bowery Road beyond the first 0.7 miles was continuing.

3. Each Board member had received a copy of the Public Services Administrator's written report for the month. Lamar Nix added that the cost of snow and ice removal had thus far been twice as much as usual. He also reported that, due to an excessive amount of turbidity in Big Creek on February 23, the Water Plant had exceeded State limits, and a notice of violation would have to be published in the local newspaper.

4. Each Board member had received a copy of the Police Chief's written report for the month. Jerry Cook was not present due to illness, and the Town Administrator reported that Police Officer

David Tippet had been called for active service with the National Guard; he said Chief Cook felt that the vacancy could be filled for the time being with auxiliary officers.

5. Each Board member had received a copy of the Recreation Director's report for the month. Selwyn Chalker was present and reported that the Varsity League basketball team was undefeated. He also presented a schedule of part-time salary ranges for approval.

Comm. James said he would like to see what the current salary ranges were, and the Board agreed to take the schedule under advisement.

Mr. Chalker also reported that he had been working with the Town Engineer and a lighting engineer and had obtained an estimate of \$6300 for lighting the rear parking lot; the current lights were inoperable, and the funds were available in this year's budget.

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

6. Each Board member had received a copy of the Town Planner/Zoning Administrator's report for the month. Larry Gantenbein was present to answer any questions. He reported that the Planning Board would be reviewing the proposed amendments concerning the Highlands Biological Station and parking for churches at its next meeting.

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

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

8. The Town Administrator reported that Comm. Cavender had met with him after the previous meeting and asked about some of the figures presented in the W. K. Dickson I & I Study; Comm. Ross and Comm. James had also raised some questions about the study, so he had asked Dickson engineer Michael Osborne to clarify the report. He distributed copies of a letter dated February 26 discussing the study in relation to the proposed 1.5 MGD capacity for the Wastewater Treatment Plant. At the same time, he said that he had asked Mr. Osborne to re-evaluate the WWTP capacity some time ago, and he distributed a letter dated December 18 confirming the need for a design capacity of 1.5 MGD; the capacity was the basis for the speculative limits established by the State, the Environmental Assessment, and the preliminary design work. He also reported that the final EA had been submitted to the State clearinghouse and approval by all of the agencies was expected soon.

He also reported that six proposals had been received pursuant to invitation for auditing services and they had been tabulated and reviewed; he asked to meet with the Finance Committee before the next meeting so that a recommendation could be made to the Board at the March 19 meeting.

He also noted that budget requests to Macon County, Jackson County, and the Chamber of Commerce would be on the agenda of the next Board meeting; copies of last year's requests were distributed for information.

He also reported that he, the Mayor, and the Board had been invited to a retreat in Clemson on April 9 by the Highlands Chamber of Commerce.

V. Old Business.

1. The Town Administrator reported that the Finance Committee had met on February 13 to discuss the request from Highlands Playhouse for funds toward roof repairs. The Committee had reviewed the lease, together with invoices and financial statements provided by Paul Schmitt, and recommended funding one-half the total cost of work done as of February 13, which was \$55,902, not including overhead and profit and donated professional services; of that \$27,951, the Town had already paid \$22,901, leaving a remainder to be paid of

\$5,050. Comm. James said the Committee had agreed there had been no funds budgeted for the repairs and General Fund contingency was nearly exhausted.

Earlier in the week, each Board member had received a letter dated March 3 from James Rothermel, indicating that an additional \$15,000 had been expended on the project after the Committee meeting. Paul Schmitt was present, and reiterated what he had said at the previous meeting, that the total cost of the repairs had not become apparent until the work had begun. He introduced Mr. Rothermel, who pointed out that the building was owned by the Town; if the Playhouse had not completed \$193,000 in repairs and enhancements over the years, he wondered what state of repairs it would be in. He said that the Playhouse had had to borrow \$50,000 to do the work, and he asked that the Finance Committee reconsider the request in light of the additional \$15,000 required, and also that the request be considered in the upcoming budget.

Comm. James felt that perhaps this matter should be addressed when the lease is renewed again.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO PAY AN ADDITIONAL \$5,050 THIS YEAR TOWARD EXPENSES INCURRED IN REPAIRS TO THE PLAYHOUSE.

VI. New Business.

1. The Town Administrator reported that, upon third advertisement, no additional bids had been received for the 1996 Crown Victoria police car above the minimum bid.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO AUTHORIZE THE TOWN ADMINISTRATOR TO SELL THE VEHICLE IF POSSIBLE ABOVE THE MINIMUM BID.

2. Dennis DeWolf was present on behalf of the Highlands Historical Society to discuss sewer service to the old Prince House/Hudson Library building. He said that, although it was probably the better long-range option, a gravity line bored under US-64 to a manhole behind the funeral home was estimated to cost between \$27,000 and \$30,000. Another option, to install a gravity line to a manhole at the driveway of the Recreation Park, would be nearly as costly and would disrupt a great deal of landscaping. The remaining option was to install a duplex pump station and a pressure line across Recreation Park property near the fence; the cost would be approximately \$12,000, and little landscaping would be disrupted.

Mayor Trott asked if cutting the pavement on US-64, rather than boring, would save any costs; the Town Engineer estimated it would only save perhaps \$5,000. The Recreation Director reported that LWCF approval would be required; he agreed to contact them, and also to see if an easement would be required.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE SEWER LINE, SUBJECT TO LWCF APPROVAL AND REVIEW OF THE NEED FOR AN EASEMENT BY THE TOWN ATTORNEY.

Mr. DeWolf also asked if the Board would consider forgiving the sewer connection fee since the Historical Society was non-profit. Although the Code exempted churches from sewer connection fees, according to the Clerk, it was unclear if there was any other precedent for non-profits, and the Board agreed to take the request under advisement.

3. The Town Administrator reported that he, the Mayor, Comm. Ross, and the Town Engineer had meet with Hospital Officials on February 6 to discuss funding for the proposed water line. The Town had learned with certainty that the Special Appropriation from Congressman Taylor had passed; the amount was \$450,000, not \$500,000. Bill Gibson had also been present from Southwest Commission, and

had indicated that there might be some additional funds available, including a \$400,000 Rural Center grant and a \$200,000 ARC Grant.

He also understood that, since the meeting, the Hospital Board has met and agreed to fund at least \$200,000 toward the project; there was thus a total of \$1,250,000 in funding possible to date. Bill Gibson had recommended that the Hospital discuss grant applications with Joel Storrow from McGill & Associates, and that engineering firm had been asked to review the project cost, estimated some time ago by the Town Engineer at \$1.17 million and recently by W. K. Dickson at \$1.873 million. McGill had indicated earlier in the day that they felt the project could be done for between \$1.3 million and \$1.35 million.

Jim Graham was present and said that the Hospital appreciated the Town's consideration, and was encouraged to see that there was funding available. He said that the Hospital was willing to pay McGill to apply for the grants, with the Town being the lead agency, and also to commit to \$200,000. The Hospital wanted, however, to see if the funds would materialize before funding the engineering and proceeding with the project, and the status of the grants would probably not be known until the fall.

Comm. Patterson said she felt the request was a reasonable one. Comm. James said he felt the grant applications should be for Town water and sewer projects in general. The Mayor said that the D. O. T. had appropriated funds for the paving of US-64, but he felt that if requested they could defer paving until completion of a project.

MOVED BY COMM. SANDERS, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO AUTHORIZE THE TOWN TO ACT AS LEAD AGENCY IN APPLYING FOR GRANT FUNDS FOR THE PROJECT, PROVIDED THE HOSPITAL PAY FOR THE COST OF FILING THE APPLICATIONS.

4. Dennis DeWolf was present to speak to the Board about the dissolution of the Land Use Planning Committee; each Board member had received a letter on this subject dated February 9. Mr. DeWolf said that he hoped that the Board might be able to share some ideas about what went wrong and learn from where it had been. He felt that there had been some misinterpretation about the survey questions, but he had been feeling good about the progress until then; he felt that some of the questions formulated by the survey sub-committee had tried to generate responses that were important. He felt that the vote to terminate the Committee was frustrating, and that the process had been truncated too soon. He respected the decision of the Board, but felt that it was important to learn from experience, and that perhaps some of the comments could be useful.

Mayor Trott thanked Mr. DeWolf, and several other members of the former Land Use Planning Committee who were present, for all of the effort that had been put into the project; he regretted the way that it had turned out.

Joan Jefferson was also present, said that she was an admirer of the Board of Commissioners, and that her comments were not intended to be critical. She had felt, however, that the last meeting of the Committee had been the best it had ever had; the survey had been presented and discussed, and a lot of good information had also been obtained. She hoped that the Board would still look at some of the important issues, such as affordable housing and the potential for "big boxes" like Lowes and WalMart coming to the area. She said that in her work on city Boards in the past, she had learned about working with Committees like this, and she hoped that the Board would learn to change from being in control to being in charge.

Comm. Cavender read the following prepared statement:

"A certain attitude exists that during the winter months is the time when things sometimes slip through the Town Board that would never see the light of day in other seasons. The recent action to disband our Land Use Planning Committee only feeds such an attitude.

"Regardless of the politics involved, the close vote, swung by the Mayor, shows a lack of respect for citizens who volunteer for public service. After months of hard and sometimes difficult work by the Committee, this Board showed its gratitude by summarily dismissing those dedicated citizens without even the pretense of a fair hearing. Fueled by hearsay and innuendo, the unannounced deliberation was hurried to its conclusion. The only person who gave an informed opinion was a Committee member who stated that the Committee was making progress, despite recent disagreements. His assessment was ignored.

"The Board appointed the Committee to review our Land Use Plan and determine whether the Plan had met its goals and how it needed to be modified to meet changing circumstances. Under the best of conditions, land use planning is controversial. From developers to environmentalists and all viewpoints in between, passions about how we use the land can become very contentious. But democracy is often a messy business and we should have more faith in the process that an outcome can be reached that a majority can support.

"By its abrupt action, this Board demonstrated very little faith in that democratic process or the people it unanimously appointed to participate in the process. I can't change what happened while I was on vacation. But I do extend my apology to those citizens for the rude manner in which their service was dismissed. I hope that whenever citizens are asked to serve their Town government in the future, history won't make them regard this incident as typical."

Lewis Doggett was present and said that he could not take issue with the comments of Mr. Dewolf or Ms. Jefferson, and he commended them for their hard work. For the future, he suggested that the Board consider that the Committee might have been too large, and also that updates of the Land Use Plan should be a routine duty of the Planning Board, perhaps on an annual basis rather than on a frequency determined randomly. He felt the Board might want to consider referring to the Planning Board the matter of how best to study and revise the Plan, and he felt that the Planning Board would certainly call upon resources like Mr. DeWolf, Ms. Jefferson, and Bob Wright.

5. 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 APPLICATIONS FOR EMPLOYMENT IN THE WATER DEPARTMENT. All present left the room except the Clerk and the Public Services Administrator.

A. The Public Services Administrator recommended that George Wilson, currently employed in the Trimming Crew, be transferred to the Water Department at his current salary of 10-3 (or 9-5 in the new Grade); Mr. Wilson had been certified in Water Distribution in Oklahoma and had been working with that Department on weekends.

B. Mr. Nix also discussed with the Board a personnel matter concerning Water Plant Operator Kevin Waller.

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

6. MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO EMPLOY GEORGE WILSON IN THE WATER DEPARTMENT AT HIS CURRENT SALARY OF 10-3, WHICH WOULD BE 9-5 (\$22,043) IN THE NEW GRADE.

VII. There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:30 p.m.

Richard Betz, Town Clerk