

PUBLIC HEARING and REGULAR BOARD MEETING of October 1, 2003, with Mayor Buck Trott and Commissioners H. N. James, Hank Ross, and Mike Cavender present. Comm. Patterson had been called out on an emergency and arrived later in the meeting.

Also present were Richard Betz, Lamar Nix, Larry Gantenbein, Selwyn Chalker, Jerry Cook, Cindy Sprouse, Kim Lewicki, Sarah Kucharski, Bill Emerson, Nin Bond, Stan Cochran, Ginger Slaughter, Alan Marsh, Dennis DeWolf, Harry Buckner, Bill Staley, Bill Basham, Jim Mullen, Karen Hawk, Bob Sutton, Kitty Byers, Bill Aaron, Leneus Joseph, and others.

A. PUBLIC HEARING.

The Mayor called the Public Hearing to order at 7:00 p.m. The purpose of the hearing was to receive comments and input for the Highlands-Cashiers Hospital Water Line Extension. Notice had been provided 30 days prior to the hearing pursuant to law.

Harry Buckner was present from McGill Associates, and he explained that the public input received would be incorporated into an Environmental Impact Document (EID) prepared for the Environmental Protection Agency because Federal funds were involved. Several State agencies had also had the opportunity to comment but had not done so. After the EID had been finalized, it was expected that EPA would issue a Finding of No Significant Impact (FONSI) for the project. The project itself consisted of 12,500 feet of water line and a booster pump station connecting the Town water distribution system to the Hospital's water tank; it was intended to provide a more reliable source of water than the Hospital's wells. In answer to questions from those present, Mr. Buckner explained that fire hydrants would be provided along the line, that it would be constructed along the shoulder of US-64, and that it would be buried 42" deep. The DENR permit was expected to take 60 to 90 days for approval, but he hoped that time frame could be shortened; the DOT encroachment permit was not expected to take that long.

The Mayor asked for comments from those present; there were none. He closed the Public Hearing at 7:09 p.m.

B. REGULAR BOARD MEETING.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 7:10 p.m. He introduced Leneus Joseph, a teacher and clergyman from Haiti who was visiting Highlands and attending the meeting.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail.

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

III. Approval of Minutes.

Copies of the minutes of the September 17 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 he would be attending the League of Municipalities and the Resort Towns Association convention in Winston-Salem October 12-14.

He also thanked all of those involved in last Saturday's Special Operations Adventure Race, including the Police and Fire Departments, Highlands Country Club security staff, Sheriff's Department, Forest Service, and Recreation Department. He said the event, which had been planned since last December, had been a real success.

He also said that the golf tournament at Highlands Falls Country Club benefitting the Scholarship Endowment Fund had also been a great success. He regretted to report, however, that the Chair of the Advisory Committee for the Fund and organizer of the event for many years, Liz View, had resigned along with Committee member Karin Potts. Comm. Ross commented that Ms. View had done a wonderful job with the event from year to year and would be difficult to replace.

2. Each Board member had received a copy of the Public Services Administrator's written report for the month. Lamar Nix also reported that W. K. Dickson Company had requested that Mike Houston visit the Aquaerobics facility in Rockford, IL, to review plans for the equipment in the Wastewater Treatment Plant expansion, and he would be attending sometime this month.

3. Each Board member had received a copy of the Police Chief's written report for the month; Jerry Cook was present to answer any questions.

4. Each Board member had received a copy of the Recreation Director's report for the month; Selwyn Chalker was present and reviewed the report. He said that the contract with Manuela Tosca Frias, approved on a 90-day basis in June, had been extended for the rest of the year. He also reported that he had learned that there was a possibility of obtaining PARTF grant money for exercise equipment at the Civic Center if interested members could raise matching funds.

5. Each Board member had received a copy of the Town Planner/Zoning Administrator's report for the month; Larry Gantenbein was present and reviewed the report, which included minutes of an informal meeting of the combined Planning Board and Appearance Commission reviewing several streetscape items. He said that the Board/Commission had also reviewed a proposal presented by Thomas Craig for a Pavilion to be constructed over the eastern section of Pine Street, and had asked that Mr. Craig present the proposal to the Board at the next regular meeting before pursuing it further. He said that Joel Crook, owner of the old Post Office building on the corner of Pine and Fifth, would be applying for a Special Use Permit next week to remodel that building and add a second story, and the project would impact how he renovated his property. Comm. James asked if this was the only location considered. Comm. Ross said that he had been on a Committee earlier that had worked on this project, and several properties had been considered, but there was a lot of parking in this area, it was feasible and cost effective, and it was a central place in Town. Kitty Byers commented that, following the recent Edwards case, she did not think the Town should be closing a street shown on the Kelsey Map. Mr. Gantenbein explained that the street would be covered but would still be open to traffic.

6. Each Board member had received a copy of the Treasurer's Report for the month. The Town Administrator reported that ad valorem property tax revenues appeared to be healthy, and that he had transferred \$1 million from the Electric Capital Reserve Fund into a Certificate of Deposit for 12 months.

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

7. The Town Administrator reported that he had contacted Kitty Byers, Executive Director of the Literacy Council of Highlands, concerning the request made at the previous meeting to close Pine Street on October 18 between 2:00 p.m. and 6:00 p.m. Ms. Byers was present and explained that the event would only require closing six or seven spaces.

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

The Town Administrator had also prepared for the agenda package a memorandum to the Mayor and Board dated October 1 concerning Highlands Cable Group; it read as follows:

At the September 17 meeting, the Board heard a report on several ongoing problems with Highlands Cable Group. If you will remember, letters had been written from the Town Administrator and the Town Engineer following the August 20 meeting requesting more detailed plans, but adequate plans had not been received. Highlands Cable Group was also continuing to attach to Town poles in direct violation of the Pole Attachment Ordinance and in the face of numerous verbal and written orders to cease and desist. (As of this date, no permits for attachment to poles have been issued.)

The Town Engineer also reported that the illegal attachments violated the National Electric Safety Code and posed a danger to anyone working on the poles. Our cable television consultant, Dave Harris, agrees that this constitutes a trespass, and that the cables can be disconnected at any time. I recommended at the meeting that the Board consider revoking the franchise.

The Board agreed at the meeting "that Highlands Cable Group be notified that it has one (1) week to come into compliance, including submittal of an adequate plan and compliance with the Town's pole attachment ordinance, or the Board will revoke the franchise agreement."

Since that meeting, Mr. Bond and his contractors have met numerous times with the Mayor, the Town Administrator, the Town Engineer, and the Electric Department Superintendent. The first meeting took place on September 18 at 3:00 p.m., at which Mr. Bond was given written notice to immediately cease all work and was provided with a copy of the minutes of the Board meeting. Meetings were also held on September 19 and September 22; at the September 22 meeting, a plan was submitted including 62 small diagrams of individual poles indicating compliance with all clearances and tied to a larger map. Verification in the field by the Electric Department over the next few days found several clearance violations remaining. A check in the amount of \$630. was received on September 25 for pole attachment fees but has not been deposited.

On September 26, Mr. Bond was informed that seven days had elapsed and that the Town would, under the authority of the Pole Attachment Ordinance, begin cutting cables that were out of compliance. At his request, Mr. Bond was given the opportunity of removing any such cables himself on Friday and over the weekend; otherwise, the Town would begin removing them on Monday morning. On Monday, September 29, Mr. Bond met briefly with the Town Engineer and claimed that all of his cables were in compliance. The Town Electric Department systematically checked each pole, discovered fourteen that were out of compliance, and cut them from the poles.

In addition to the inaccurate and deceptive information provided, our Electric Department noted several instances where it appeared that Verizon and Northland cables had been moved. Both of those companies alleged to the Town in conversations on September 29 and September 30 that they had been moved. Verizon claimed that one of its cables had been lowered to a clearance of eleven feet over the road, presenting a direct and immediate hazard which our Electric Department temporarily corrected. Northland claimed that grounds had been removed from its cables, creating serious problems for its system and potentially hazardous conditions on those poles.

During the two-week period between the meeting on September 17 and the meeting on October 1, we estimate that the following time has been devoted to addressing this matter by Town employees:

Town Administrator	3 days	24
man-hours		
Town Engineer.	2 days	16
man-hours		
4-man Electric Crew (verification) @ 18 hours.		72
man-hours		
8-man Electric Crew (cutting cable)@ 4 hours		<u>32</u>
man hours		
TOTAL.....	144 MAN-HOURS	

Staff has been consulting with Dave Harris throughout this period, and agrees with his recommendation that the Town proceed with revoking the franchise. The procedure for doing so is to place the item on a Board agenda, provide public notice, and conduct a brief administrative hearing. We recommend setting this hearing for 7:00 p.m. on October 15. In consultation with Mr. Harris, the attached letter has been prepared for the signature of the Mayor providing notice to Highlands Cable Group that the Town is terminating the franchise.

Attached was a letter from the Mayor dated October 1 to Highlands Cable Group informing it that the Town intended to request termination of the Cable Television Franchise Agreement, citing the authorization in the Cable Television Ordinance, and noting specific violations, notifications, and failures.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO SET A HEARING FOR 7:00 P.M. ON OCTOBER 15 TO CONSIDER TERMINATION OF THE FRANCHISE BETWEEN THE TOWN OF HIGHLANDS AND HIGHLANDS CABLE GROUP.

A copy of the letter from the Mayor was hand-delivered to Nin Bond, who was present at the meeting.

V. Old Business. None.

VI. New Business.

1. Town Engineer Lamar Nix reported that John Gorman, who had been unable to be present at the meeting, had been discussing with him for some time the possibility of connecting his property on Hummingbird Lane to the Town sewer. Pursuant to his advise, Mr. Gorman had retained a consulting engineer and prepared a preliminary plan which provided for a 2" PVC pipe and pump station under the creek and across the Highlands Country Club fairway to Cobb Road. The Club had apparently stipulated that the line be of adequate capacity to serve his neighbors in the area, potentially some 20 residents. He had advised Mr. Gorman that the Town would be unlikely to accept ownership or maintenance of the line and pump station, which DENR would require to be maintained by a licensed operator, and that all connections to the line would be subject to Town connection fees; each connection would require an individual pump.

Comm. James said that he had no problem with the proposal if it was structured as outlined. However, he felt that Highlands Country Club should be contacted to determine its position; he felt they should take on some of the responsibility since it was serving so many of their residents. Comm. Cavender asked what would happen if the property changed hands, and thought that the Town Attorney should review the matter. The Board agreed by consensus to forward the proposal to Highlands Country Club, and then to the Town Attorney if necessary.

2. Stan Cochran, Chairman of the Street Directory Committee of the Highlands Chamber of Commerce, was present with a proposal for a street directory. He said that some time back the Chamber had visited Blowing Rock, viewed the street directory, and decided that it would be worthwhile to explore that idea in Highlands. He said that there had been a change in recent years, and many visitors now seemed to be disoriented and unable to locate businesses. The Committee had considered durability, changeability, appearance, logistics, and cost in its proposal. The directory would consist of small anodized aluminum plates mounted on a 24" X 36" frame at eight locations shown on a map; samples of a frame, several name plates, and the location map were distributed. Signs at all of the locations would be mounted on or flush with building walls except one location at the corner of Fifth and Main, where it was proposed to be located on a utility pole; property owners had all provided permission.

Commissioner Patterson arrived.

The total cost would be \$9600, with the Chamber paying 70% and businesses paying 30% through a one-time fee of \$20 per plate; the signs would be available to non-Chamber members as well as public entities like the library, Town Hall, and Public Rest Rooms. The Zoning Administrator reported that the Sign Ordinance provided for Public Information Centers for one-year periods provided they were approved by the Board.

The Board discussed the proposal at some length. Karen Hawk was present and asked how the signs would help visitors. Comm. Cavender asked if it would not be less expensive to provide maps. Bill Aaron said that maps had been considered, but were thought to increase litter and were difficult to keep up to date. The Town Planner said that the Planning Board had informally reviewed the proposal, but had taken no official position; he had heard comments on the design, but no outspoken opposition. Comm. Ross pointed out that the Planning Board was just beginning to get into streetscape; he thought that the idea had merit, but that it ought to go back to the Streetscape Committee for review. The Mayor wondered if the signs could contain 911 addresses, or be alphabetized. Comm. James said he doubted if the signs would help visitors much. The Town Engineer said that no sign could be mounted on the utility pole at Fifth and Main, and Mr. Cochran agreed to contact the Presbyterian Church to find an alternate location. Comm. Patterson said she felt that it was not the Board's job to decide if the proposal would work, but to decide if it would look tacky; she felt the appearance was unobtrusive and she had no objection to the appearance.

MOVED BY COMM. ROSS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE PUBLIC INFORMATION CENTERS AS PROPOSED, CONTINGENT ON REVIEW AFTER ONE YEAR.

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 8:30 p.m.

Richard Betz, Town Clerk