

SPECIAL BOARD MEETING of December 15, 2003, with Mayor Buck Trott and Commissioners Amy Patterson, Hank Ross, H. N. James, Dennis DeWolf, and Alan Marsh present.

Also present were Richard Betz, Larry Gantenbein, Ryan Chambers, Allan Bryson, John Cleaveland, Steve Pierson, and Eric Pierson.

#### I. Call to Order.

This Special Meeting had been called by the Mayor at 10:00 a.m. December 10, 2003, for the purpose of discussing a personnel matter involving Larry Gantenbein in Closed Session. Public notice had been posted at the Town Hall and provided directly to each Board member and to the news media in accordance with law.

The Mayor called the meeting to order at 5:00 p.m.

#### II. Business.

The Mayor stated that several members of the public were present and had asked if they could speak before the Board went into Closed Session. The Board agreed by consensus to hear these comments.

County Commissioner Allan Bryson expressed concern about the meeting being called so quickly; no charges of illegality had been made, but he said it had alarmed him.

John Cleaveland said that he had worked with Mr. Gantenbein on the Planning Board and Appearance Commission, and he did not think there had been any Zoning Administrator who was better prepared at these meetings, which was a benefit to the Boards. He said that there were always differences of opinions, but Mr. Gantenbein had been hired to make a call, and while there were always gray areas in the Ordinance, he felt his decision had been based on the best knowledge. He felt that he was an asset to the Town, had never seen him do anything out of line, and had always performed his job in a professional manner.

Steve Pierson said that he had had many dealings with Mr. Gantenbein, and he had always made him follow all of the regulations.

Eric Pierson said that he had served on Boards for eight years under six Zoning Administrators, and he felt that Mr. Gantenbein had the best grasp of the law, and also worked well with people and with the community as a whole.

The Mayor thanked those present for their comments.

MOVED BY COMM. MARSH, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G.S. §143-318.11(A)(6) TO DISCUSS A PERSONNEL MATTER INVOLVING LARRY GANTENBEIN. All present left the room except Mr. Gantenbein and the Clerk.

The Board then discussed Zoning Administrator Larry Gantenbein and his job performance at length. The Mayor reviewed the situation since the Board's last meeting, at which Richard Betz had been appointed Deputy Zoning Administrator and Commissioners DeWolf and Ross had been appointed to an ad-hoc Committee to handle any zoning matters pertaining to A. L. Williams. The Board discussed the Zoning Board meeting which had been held on December 10, at which Mr. Gantenbein had recused himself. It also discussed several specific decisions he had made, as well as overall philosophy on land use regulations, with respect to Mr. Gantenbein's job performance.

Mr. Gantenbein was then asked to leave the meeting room and the Board continued the discussion. Drafts of a letter and a press release were reviewed in some detail.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE FOLLOWING PRESS RELEASE:

The Board of Commissioners understands that there has been much speculation about a possible conflict of interest on the part of its Zoning Administrator, Larry Gantenbein, and Mr. A. L. Williams, who is developing a significant commercial project in Highlands.

The Board has met with Mr. Gantenbein several times and discussed these matters. Although the Board felt that a financing arrangement between Mr. Gantenbein's son and a company owned by Mr. Williams for a business outside of Town did not constitute a legal conflict of interest, it nevertheless had the appearance of impropriety. Mr. Gantenbein subsequently agreed to recuse himself from any zoning matters involving Mr. Williams, and the Board has appointed Richard Betz as Deputy Zoning Administrator and an ad-hoc Committee consisting of Commissioners Hank Ross and Dennis DeWolf to oversee these matters. This has already proved to be a workable solution.

The Board is aware that the position of Zoning Administrator is an extremely sensitive one, and it is important that the public perceive that our zoning laws are being enforced even-handedly. We feel that Mr. Gantenbein's offer to recuse himself resolves the matter of any possible conflict of interest. The Board also recognizes that all of Mr. Williams's projects have been and will continue to be reviewed by the Appearance Commission and the Zoning Board at public meetings. We are confident that these Boards are functioning properly, that Mr. Gantenbein is a competent and hard-working employee, and that he will continue to enforce the Zoning Ordinance, in letter and in spirit, fairly and impartially.

III. MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 7:00 p.m.

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Richard Betz, Town Clerk