

REGULAR BOARD MEETING of March 3, 2004, with Mayor Buck Trott and Commissioners Amy Patterson, Hank Ross, H. N. James, Dennis DeWolf, and Alan Marsh present.

Also present were Richard Betz, Bill Coward, Lamar Nix, Larry Gantenbein, Jerry Cook, Selwyn Chalker, Kim Lewicki, Jim Lewicki, Ryan Chambers, Lewis Doggett, Jack Bournemann, Bob Wright, David Fish, Donna Cochran, Jenny King, Richard Melvin, Bronce Pesterfield, Gary Schmitt, George Schmitt, James Manley, Thomas Craig, Manuel de Juan, Larry Holt, John Darrohn, and others.

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 Clerk requested that one item of New Business, Bronce Pesterfield request on behalf of Old Edwards Inn, be added to the agenda; the agenda had been prepared earlier than usual due to the Clerk being out of Town.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

III. Approval of Minutes.

Copies of the minutes of the February 18 Regular Board Meeting had been distributed by mail.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

IV. Reports.

1. The Mayor reported that he, Comm. Ross, Comm. DeWolf, Comm. Marsh, and the Town Administrator had attended the Essentials of Municipal Government course in Asheville the previous week.

He also displayed a trophy presented to the Mountaintop Division of the Relay for Life by the American Cancer Society in recognition of the team raising \$235,000 last year.

2. Comm. Ross asked that the Public Works Committee meet and review sewer policy, sewer connections, and priorities for new lines; the Utilities Committee had discussed the issues last July but not completed the review. The Committee agreed to meet at the Town Hall at 9:00 a.m. on March 9.

3. Town Attorney Bill Coward was present and reported that he had argued the appeal from the Court of Appeals decision in the Bowery Road case before the Supreme Court; a decision could take up to a year. He also commented that the article reporting on the case in The Highlander last week was not accurate.

4. Each Board member had received a copy of the Public Services Administrator's written report for the month; Lamar Nix was present to review the report. He reported that the new Sanitation Department truck had been received, and also reported that Old Edwards Inn was replacing at its own cost the sidewalk in front of the Inn on Main Street which had been damaged during construction. Comm. James asked if it was being constructed at street level; it was reported that it was being re-constructed in the same location. Manuel de Juan said that the work should be completed in two weeks, and then the handrail work would begin.

Mr. Nix then reviewed with the Board a cost estimate provided by PACO Concrete Construction Company for various repairs to Town

sidewalks, totalling \$63,079.50; the cost was higher than originally estimated due to inclusion of a brick sidewalk on Pine Street estimated at about \$30,000. The Town Administrator reported that \$50,000 had been budgeted for paving and \$100,000 for sidewalks and/or additional paving. Comm. James felt that more than one bid should be requested next year for sidewalk work. Comm. Ross said he understood that if the work were combined into a single project the price might be reduced; the Board agreed to re-submit the bid and forward the information to the Public Works Committee, already scheduled to meet March 9.

MOVED BY COMM. ROSS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE PROJECT, NOT TO EXCEED \$63,079.50, CONTINGENT ON RE-SUBMITTAL OF THE BID AS A COMBINED PROJECT.

Bob Wright was present on behalf of the First Presbyterian Church, which wished to improve public access to the front of the church; worshippers accessing the front steps, if parked in the center of the property, had to walk 150 feet in either direction to get onto the elevated sidewalk. He asked for permission to build a set of steps inset into the sidewalk, like those at the Acorns building. The Board agreed to the proposal in concept, and asked that a drawing be submitted.

5. Each Board member had received a copy of the Police Chief's written report for the month; Chief Cook was present to review the report; he reported that the new police car had been received.

6. Each Board member had received a copy of the Recreation Director's report for the month; Selwyn Chalker was present to review the report. Dennis DeWolf reported that the Recreation Committee had met and was trying to obtain information from a contractor who had worked on the leaking roof at the Civic Center several years ago.

7. Each Board member had received a copy of the Town Planner/ Zoning Administrator's report for the month; Larry Gantenbein was present to review the report.

8. Each Board member had received a copy of the Treasurer's Report for the month. The Treasurer reported that \$108,000 in sewer connection fees had been received from S. B. Associates; revenues in that Department would exceed what had been projected in the budget, and Sales Tax and Property Tax revenues were also healthier than anticipated.

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

9. The Town Administrator distributed copies of a letter he had written to Pamela Miller of Highlands Cable Group LP; he understood that the alleged illegal cable TV connections inside Town had been removed. He also distributed copies of a memorandum describing a proposed new position in the Town Office of GIS/Field Technician, which he asked the Board to review; such an employee could be used to work out the extensive details of taking the audit of utility poles and communication lines, to be discussed later in the meeting, and documenting and verifying compliance. He also reported that McGill Associates had organized a pre-construction meeting for the Hospital Water Line project the previous Monday. The Rural Center contract had been executed and verbal approval had been received from the EPA; work was scheduled to begin within ten days and would be completed within 120 days, or by July 8; the DOT would then begin paving.

V. Old Business.

1. Each Board member had received copies of a memo dated March 1 from the Town Planner, explaining in detail recommendations made by the Planning Board at its February 23 meeting to permit higher-density clustering of single-family and inclusion as a use

of multi-family uses in the B-3 zoning district. Comm. DeWolf felt that it would be helpful to have a work session to discuss the proposals in more depth and review some hypothetical situations; Planning Board members would be welcome to attend. By consensus, the Board agreed to set a Special Meeting for 7:00 p.m. March 24 and to place this item on the agenda.

2. Each Board member had received a copy of the following proposed amendment of the Pole Attachment Ordinance:

Add the following paragraph to Section 6, Construction and technical standards:

"(c) Notwithstanding paragraph (a) of this Section, whenever Grantee installs new cables, wires, and appliances to the poles of the Town, or whenever Grantee replaces cables, wires, and appliances to said poles, a clearance of fifty-two (52) inches shall be required from all power lines, unless such clearance cannot be accommodated on present poles and would require the replacement of the pole."

The Town Administrator pointed out that the amendment would require Highlands Cable Group, or any other future cable company that the Town franchised to operate in Highlands, to also maintain the 52" clearance.

MOVED BY COMM. MARSH, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO ADOPT THE AMENDMENT TO THE ORDINANCE, EFFECTIVE IMMEDIATELY. The Clerk was asked to notify Northland Cable and Verizon that the Ordinance was in effect.

VI. New Business.

1. Four bids had been received pursuant to formal advertisement for bids for a fire truck. The Treasurer reported that the Fire Department had budgeted \$75,000 for the current fiscal year, and intended to budget the remaining amount in FY 04-05; the truck would not be constructed for several months, and final payment would not be due until the next fiscal year. The following bids were opened and read:

- Moore Equipment Sales and Service Inc.....\$166,149
- C. W. Williams Fire Equipment.....\$173,850
- Taylor Fire Group LLC.....194,385
- Smeal Fire Apparatus Co.....178,857

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO AWARD THE BID TO MOORE EQUIPMENT SALES AND SERVICE, CONTINGENT ON REVIEW OF THE BIDS BY THE FIRE CHIEF.

2. Each Board member received a tabulation of bids on an audit of utility poles and communication lines; informal proposals had been opened on February 27 and reviewed by the Town Administrator and the Town Engineer. Bidders had been asked to conduct an audit and visual inspection of all utility poles, including locating all of the poles; recording the location and size of transformers on each pole and any other electrical equipment such as reclosers and streetlights; recording the communication lines attached to each pole; and recording the clearances between power lines, communication lines, and the ground to assure conformance to the National Electric Safety Code. The audit was to be submitted in the form of maps, AutoCad, and ArcView shapefiles conforming to the Town's current GIS database, and was intended to provide the basis of a list of communication lines that were not in compliance with the National Electric Safety Code. As discussed earlier in the meeting, the Town Administrator said he thought a new employee could manage this job based on the approved proposal. The following proposals had been received:

Telecommunications Consulting Associates	\$61,180
Highland Mapping Inc.	32,237
Mercer Design Group	42,500
Joint Use Solutions	(Approx) 11,630
Paul Schmitt Architectural Design Studio	16,000
Pesterfield Engineering P. A.	48,000
Byers Engineering Company	48,088
Action Audits LLC	120,860
Power Delivery Associates	145,000

The low bid, received from Joint Use Solutions, was the only bid based on a unit cost basis (\$1.05 per pole, etc.); the Town Administrator also noted that it relied on its own unique software, rather than AutoCad or ArcView. He felt that the second lowest bid, received from Paul Schmitt, was more responsive with respect to software, and also included references for the personnel conducting the study, which included AutoCad, GIS, and power industry (Nantahala Power) experience. Based on that, he and the Town Engineer concurred in recommending awarding the bid to Paul Schmitt Architectural Design Studio for the lump sum of \$16,000.

Comm. DeWolf asked about the time estimated for the proposal, and was told that the proposal had not asked for this information, although it was estimated the work could take as long as six months.

Comm. Ross felt that a time limit should be negotiated, and the contract to conduct the study should be based on penalties if it was not completed within that time.

MOVED BY COMM. ROSS, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO AWARD THE CONTRACT CONTINGENT ON NEGOTIATING A REASONABLE SCHEDULE FOR COMPLETION OF THE WORK, AND EXECUTION OF A CONTRACT IMPOSING PENALTIES IF NOT COMPLETED ON TIME.

3. Each Board member had received a copy of the preliminary plat for the Brushy Face Subdivision, which had been recommended for approval by the Planning Board on February 23. The subdivision consisted of 30 lots on 98 acres in the Chattooga Watershed, west of the Walhalla Road. The Town Engineer had reviewed the plat, and several minor issues had been resolved, such as loop-type cul-de-sacs rather than bulb-type; widths and rights-of-way all complied, and no variances were required. The water plan had also been approved, and the lots were on septic systems. The electrical plans had not yet been finalized by the electrical engineer, but a good plan was in process; he recommended approval based on the final electrical plan.

Bob Wright was present and noted that, although not in the Town's water supply watershed, the property was in the Chattooga watershed, which had its own stringent stormwater and water quality rules. John Darrohn, chief engineer for Seamon, Whiteside & Associates, who had prepared the plans, said that all of the plans had been submitted to the State agencies involved.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO APPROVE THE PRELIMINARY PLAT CONTINGENT ON FINAL REVIEW BY THE TOWN ENGINEER.

4. The Town Administrator reminded the Board that the three-year contract for an audit had been approved the previous year for Martin Starnes & Associates on the basis of annual negotiation after completion of the first year; as described in the proposal submitted, the amount this year would be \$17,250. He said that he was very pleased with the audit and recommended approval.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY

CARRIED TO APPROVE THE AUDIT FOR ANOTHER YEAR.

5. Each Board member had received a letter from Thomas Craig dated March 2 requesting that the Town contribute to the cost of the brick sidewalk he had constructed in front of his new building on South Fourth Street, replacing an existing concrete sidewalk; the approximately cost was \$8000. The sidewalk had been identified on the Master Sidewalk Plan adopted on February 4 as "Future Brick," and if there had been no sidewalk in place he would have been required to fund the entire cost.

MOVED BY COMM. ROSS, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED THAT THE TOWN REIMBURSE MR. CRAIG THE COST OF THE BRICK.

Mr. Craig had also said that he would be willing to have a drinking fountain installed within the sidewalk like that in front of the Town Hall if the Town would provide it. The Board agreed for Town staff to obtain prices.

6. The Town Administrator said that he had been asked to review the problem of construction materials and trailers on Town right-of-way, mostly caused by the construction at the Old Edwards Inn project. He distributed copies of a survey he had conducted on February 23 indicating that 57 parking spaces were occupied on Main Street, Fourth Street, Church Street, Spring Street, and South Street. There were currently no regulations in the Code addressing the issue directly, although he felt that the Town had clear authority to regulate its right-of-way.

Comm. James felt that all of the streets should be cleared, perhaps as early as April 15. Comm. Ross agreed, but felt that an Ordinance was also needed to permit the incidental use of right-of-way, and perhaps limit it to areas contiguous to the property. Comm. Patterson felt that there was no need for pallets of building materials to be located on the right-of-way, especially when not near the construction site. She felt that the staging of this project was poorly planned and did not see why the whole Town should bear the brunt. After additional discussion, the Board agreed for the Town Administrator to draft an Ordinance, to be reviewed by the Town Attorney, providing for some temporary use of the right-of-way and imposing time limits, with fines if those time limits were exceeded. The Ordinance was to be considered and adopted at the March 17 Board meeting, and Old Edwards Inn was to be notified that it would go into effect on that date.

7. The Board also discussed expanding two-hour parking in the area of Fourth Street due to the construction in the downtown area; the Ordinance currently was enforced only during the season from May 1 through October 31, and it only affected parking on the east side of Fourth Street between Church Street and Spring Street. David Fish was present and said that his business and many others in the area were open now and customers were unable to park. Donna Cochran and Jenny King echoed the same complaint. Comm. Patterson remembered that the Board had intended to review the parking limits at a later date anyway; she pointed out that the season was much longer now, extending through Thanksgiving, and she felt that additional timed parking was needed. The Board discussed the matter at some length.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO DESIGNATE TWO-HOUR PARKING ALONG BOTH SIDES OF FOURTH STREET FROM MAIN STREET TO SOUTH STREET, AND TO EXTEND THE TIME FOR ENFORCING THE TIMED PARKING TO THE PERIOD BETWEEN MARCH 17 AND NOVEMBER 30.

8. The Board discussed in some detail the following memorandum prepared by the Town Administrator on upcoming budget requests:

"1. Macon County Recreation Park. For several years, the Board has requested the County to consider an increase in its annual \$150,000 funding for the Recreation Park; that amount originally represented one-half of the \$300,000 expense of that department several years ago

(currently \$512,000). In FY 02-03, the Board requested that the County consider adopting a policy of providing annual incremental increases based on the increase in the tax base in the Highlands Township. Last year, \$238,000 was requested, but only \$150,000 was received. I would recommend requesting a minimum of \$270,000 in FY 04-05, based on a projected \$540,000 Recreation Department budget.

2. Macon County Water & Sewer Improvements Fund. Since 1990, Macon County has provided \$300,000 annually toward water and sewer improvements (the original agreement was extended in 1997 for an additional five years). The funds are "matching" and if not withdrawn in a prior year are eligible to be withdrawn in subsequent years; as of July 1, 2002, qualifying expenses not yet reimbursed totaled just over \$1.2 million. The final withdrawal from the fund was scheduled for this year (\$300,000) but as of this date has still not been received. Last year, the Town requested that the agreement be extended an additional five years. The County Board indicated that they would discuss it this year at budget time.

3. Jackson County

For several years, the Town has requested from Jackson County an amount equivalent to the amount received from the Macon County Fire Tax for those residents in the Highlands Fire District (Wildcat Ridge area, Cullasaja Club, Highlands Falls, and the Town). In FY 02-03, the Town requested \$18,587 and received \$3,150. Last year, the Town requested \$12,940 and received \$6,000. The difference has been made up by individual donations requested from property owners in the affected area. I would recommend that this year's request, based on a 3% increase in valuation, be \$13,329. The Board should also continue to urge Jackson County to adopt a Fire Tax.

4. Chamber of Commerce

The Board has requested 50% of the cost of supplies, maintenance, and cleaning of the public restrooms. Last year's request was for \$8,500. I recommend the same amount this year."

Comm. James felt that the Board needed to meet with the County Board of Commissioners and discuss the Macon County requests. It was agreed that this item would be placed on the agenda of the March 24 meeting. Comm. Marsh also raised some questions about the contract for cleaning the public restrooms. The Town Administrator said that he felt the current contract with John Stanfield was working well and it had been difficult to find someone as conscientious as he was; Selwyn Chalker agreed.

9. Bronze Pesterfield was present, and reported that the retaining wall along the south side of Church Street approved for Old Edwards Inn at the last meeting had proven not to be feasible at the height specified; the power lines would instead be located on the Kelsey & Hutchinson property, on top of the hill, rather than on the right-of-way. The generator on Church Street would be located behind the setback line, no walls would be erected within the right-of-way, and the trench would be filled.

He requested permission on behalf of Old Edwards Inn to bore under Spring Street between the Kelsey & Hutchinson Lodge and the former Rib Country property with two 2" PVC pipes, which would contain communication lines connecting the properties; the owner wanted to locate the lines underground instead of overhead, and preliminary tests had indicated that they could be bored.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE REQUEST CONTINGENT ON APPROVAL OF THE TOWN

ENGINEER.

10. Comm. Marsh reported that the Highlands Rotary had met the previous week at the Fire Station and had been very impressed; he commended the Fire Department and Fire Chief James Manley for the good job they were doing.

VII. MOVED BY COMM. PATTERSON AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:00 p.m.

Richard Betz, Town Clerk