

REGULAR BOARD MEETING of June 16, 2004, with Mayor Buck Trott and Commissioners Amy Patterson, H. N. James, Dennis DeWolf, and Alan Marsh present. Comm. Hank Ross was out of Town.

Also present were Richard Betz, Lamar Nix, Jerry Cook, Larry Gantenbein, Kim Lewicki, Amelia Pavlik, Stan Cochran, Wolfgang Greene, Thomas & Kay Craig, Lewis Doggett, Shane Griffin, Bronce Pesterfield, Neville Bryson, Bob Kelty, Mark Schroeder, Mary Wheaton, David Trapp, and many 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 reported that Lupoli Construction had requested a permit to use a Town street for construction activities. The Mayor asked that appointments to the ABC Board and Advisory Committee for the Scholarship Endowment Fund be deferred until the next meeting.

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 June 2 Public Hearing and Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that the American Cancer Society Relay for Life had been re-scheduled from August 20 to August 27. He also updated the Board on the Special Operations Adventure Race and related activities scheduled for June 26.

2. The Town Administrator reported that the Recreation Committee had met with County Commissioner Allan Bryson on June 3 and discussed funding for the Recreation Park. The Committee had agreed to continue discussions, and Comm. Bryson had reported that the County was planning to include \$200,000 in its budget for the Park instead of the \$150,000 earlier reported; the Town had requested \$270,000.

3. The Town Administrator distributed copies of a memo which had been given to all employees at the previous pay period concerning the rising cost of health insurance and the Board's decision to continue to pay 100% of the premium; he said that several employees had expressed their appreciation for the benefit.

He also reported that the Town Hall parking lot was experiencing heavier use than usual and as a result there was inadequate parking in front of the public restrooms; he recommended the Board designate some timed parking in that location.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO DESIGNATE THREE 15-MINUTE PARKING SPACES IN FRONT OF THE PUBLIC RESTROOMS.

He also reported that the tree planters and grates had been installed on Pine Street and he urged each Board member to inspect them.

V. Old Business.

1. The Town Administrator reported that he had reviewed parking

enforcement at the Old Edwards Inn projects, a condition of the permit issued at the previous meetings for use of Town right-of-way for construction. In contrast to previous meetings, he had received many complaints from business owners on South Fourth Street during the past two days concerning parking violations and traffic problems.

Police Chief Jerry Cook was present and confirmed that many of the contractors and sub-contractors for the project appeared to be playing "musical cars." Comm. James asked Chief Cook if he thought changing the hours for enforcing two-hour parking would help the problem. Chief Cook felt that it would, but that McCarroll Construction also needed to tell the subs on the OEI job to park at the Highlands Diner parking lot as they had agreed to do in the past. He said that his officers were issuing many parking tickets but the fine was only \$10/day.

Comm. Patterson said that when the Board had agreed to approve use of the right-of-way from meeting to meeting, it had been understood that the Town would have leverage over the parking; if the contractors wanted to use the right-of-way for construction, then they could not let their workers park on the right-of-way. Comm. James commented that the reality was that all of the parking was full, including the Highlands Diner lot; when OEI opened for business, he did not know where they would all park. He felt that the Town should begin enforcing two-hour parking at 7:00 a.m. rather than 10:00 a.m.

Several business owners were present and commented on the problem; photographs of numerous alleged traffic and parking violations were distributed. Bob Kelty, owner of the Christmas Shop, commended the Police Department for doing a good enforcement job but said that it was difficult because there was little cooperation; he said he had seen contractors rubbing police marks off of their tires. Thomas Craig expressed concern that the sidewalk along Fourth Street had been closed for three years; he thought that if the Town gave up right-of-way, pedestrian access should be provided. Mary Wheaton also felt that the situation was dangerous. Matt Shroeder asked if there was any way the Town could require the contractor to pick up the cost of enforcement. Thomas Craig suggested that the security staff at Old Edwards Inn participate in enforcing the parking violations. Kay Craig asked if a shuttle could be used.

The Town Administrator reported that both the Highlands Code and the State Building Code required the provision of pedestrian passageways when sidewalks were closed due to construction. He reported that two Special Use Permit had been issued for future projects in the area, one for the old Gem Shop building on the west side of the street and one for the old Dunfergots building on the east side of the street and on Church Street, but construction was not scheduled to begun until November. He also pointed out that the option not to renew the permits would make it practically impossible for the project to continue.

Bronce Pesterfield was present and said that he had heard McCarroll Construction ask sub-contractors to park elsewhere and felt they were doing all they could to encourage cooperation; he agreed that it would be impossible to proceed with construction without use of the right-of-ways. He suggested lowering the parking time limit to one hour or increasing the cost of parking tickets as alternatives.

David Trapp, Project Manager for Old Edwards Inn with McCarroll Construction, said that he had met with the Town Administrator and Committee members in the past and tried to accommodate the Town. He had asked his sub-contractors to park elsewhere and had even asked the Police to ticket them, but it was difficult to enforce. He said that he had designated one employee to patrol the area and get the subs to park at the Highlands Diner parking lot. He said that if the answer was to cut off his use of the right-of-way, however, it would only prolong the project. He estimated that construction along the eastern side of Fourth Street would be completed in three to four weeks; the sidewalk would then be put back into good condition. He offered to do whatever the Town wanted him to do.

Comm. James suggested that the Old Edwards Inn ad-hoc Committee consisting of the Town Administrator and Comms. DeWolf and Ross meet with representatives from McCarroll Construction and Old Edwards Inn and discuss the problems.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO EXTEND THE PERMIT FOR USE OF THE TOWN RIGHT-OF-WAY FOR ONE WEEK, AND MEANWHILE TO REQUEST MCCARROLL CONSTRUCTION TO DEVELOP A CONTINGENCY PLAN TO ADDRESS THE PROBLEM, TO BE APPROVED BY THE AD-HOC COMMITTEE CONSISTING OF THE TOWN ADMINISTRATION, COMM. ROSS, AND COMM. DEWOLF; IF THE PLAN WAS NOT SATISFACTORY TO THE COMMITTEE, THEN THE PERMIT WOULD NOT BE EXTENDED.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO CHANGE THE TIME FOR ALL TWO-HOUR PARKING SPACES FROM 10:00 A.M.- 5:00 P.M. TO 9:00 A.M.- 5:00 P.M.

VI. New Business.

1. The Town Administrator presented the following tabulation of informal bids on various Town contracts expiring on June 30:

Informal Bids on Stone and Sand:

Informal bids had been received and tabulated from Bryson's Grading and Trucking and from LBM Industries. He recommended awarding the contract to the low bidder, Bryson's Grading and Trucking.

Gasoline and Diesel Fuel:

Informal bids had been received and tabulated from Farmer's Market and from J. H. Duncan Oil Company. He recommended renewing the contract with the low bidder, Farmer's Market.

Preventive Maintenance at Highlands Civic Center:

One informal bid had been received from Integrated Building Services at the same cost as last year. He recommended renewing the contract with Integrated Builidng Services.

Cleaning of Public Restrooms:

One informal bid had been received from Stanfield Janitorial; the cost had increased due to required insurance. He recommended renewing the contract with Stanfield Janitorial.

Cleaning of Civic Center Building:

Two informal bids had been received; the cost had increased due to required insurance. He recommended renewing the contract with Manuela Frias Tosca.

Cleaning of Town Hall:

Two informal bids had been received; current contractor did not wish to renew. He recommended awarding the contract to Amy Dickerson.

Communication Equipment Service:

The Town Administrator and Public Services Administrator had scheduled a meeting with Western Carolina Communication on June 18 to discuss the two-year service contract which expires June 30. He recommended deferring action until after that meeting.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO APPROVE THE RECOMMENDATIONS OF THE TOWN ADMINISTRATOR.

2. Shane Griffin was present from Planters Inc., and he and Bronce Pesterfield presented two alternative proposals for parking and pedestrian safety nodes at the corner of South Fourth Street and Church Street and along Church Street; one plan called for one-way traffic and angled parking, the other plan called for two-way traffic and 90-degree parking. The first plan had been reviewed by Comm. Ross and the Town Engineer, but the second plan had not yet been reviewed. The Board discussed the two plans in considerable detail.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO TAKE THE PROPOSALS UNDER ADVISEMENT.

3. Will Shankle was present representing Building Traditions Inc, the contractor remodeling the Highlander Newspaper building, requesting permission to place a construction dumpster on Fifth Street in front of the building on Fifth Street for a period of three months; space would also be provided off the right-of-way for sub-contractors to park.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO APPROVE THE REQUEST FOR USE OF TOWN RIGHT-OF-WAY FOR CONSTRUCTION ACTIVITIES FOR THREE MONTHS.

4. Lupoli Construction had submitted drawings showing the location on West Oak Street, currently marked "No Parking," where they requested permission to park vehicles for construction activities for a period of two weeks.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO APPROVE THE REQUEST FOR USE OF TOWN RIGHT-OF-WAY FOR CONSTRUCTION ACTIVITIES FOR TWO WEEKS.

Comm. James said that he thought the Town ought to consider an Ordinance prohibiting construction activities in the downtown business district from June through September.

5. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318(A)(6) TO REVIEW APPLICATIONS FOR EMPLOYMENT. All present left the room except the Town Administrator and Public Services Administrator.

A. The Town Administrator reported that he and the Public Services Administrator had made an error at the previous meeting when recommending the amount of salary increases for Stanley Houston and Dale McMahan; the recommended increases should have been to different grades but the same steps, 15-10 and 12-6 respectively.

B. The Public Services Administrator had reviewed applications for Water/Sewer Maintenance Worker II, the position vacated by Dale McMahan, with Stanley Houston; he recommended transferring Robert McMahan from the Trimming Crew at the same salary, which would be 9-5 in the new position.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. Amelia Pavlik from The Highlander Newspaper was invited back into the room.

6. MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO AMEND STANLEY HOUSTON'S SALARY APPROVED AT THE PREVIOUS MEETING TO 15-10 (\$35,582), AND TO AMEND DALE MCMAHAN'S SALARY APPROVED AT THE PREVIOUS MEETING TO 12-6 (\$27,798).

7. MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO TRANSFER ROBERT MCMAHAN FROM THE TRIMMING CREW TO WATER/SEWER MAINTENANCE WORKER II AT THE SAME SALARY, WHICH IN THE NEW POSITION WOULD BE 9-5 (\$23,385).

VII. 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 8:40 p.m.

Richard Betz, Town Clerk