

REGULAR BOARD MEETING of January 5, 2005, with Mayor Buck Trott and Commissioners Amy Patterson, Hank Ross, H. N. James, Alan Marsh, and Dennis DeWolf present.

Also present were Richard Betz, Lamar Nix, Larry Gantenbein, Selwyn Chalker, Jerry Cook, Kim Lewicki, Jim Lewicki, Melody Spurney, Ginger Slaughter, Jim Tate, Will Shankle, and Chuck Cooper.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 7:00 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Town Administrator reported that an item of New Business, the petition for annexation from Thomas Eubanks and Gibson Investments LLC, would again need to be deferred because the purchase of the entire tract had not been finalized; Building Traditions Inc. had requested permission to discuss encroachment of a ramp at the Highlander Newspaper building under New Business; and a Closed Session had been requested to review an application for employment in the Trimming Crew.

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

III. Approval of Minutes.

Copies of the minutes of the December 15 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported on a seminar held by the Healthy Carolinians that he and several other elected officials had attended at the Old Edwards Inn.

2. 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 also said that he had obtained a quote of \$5910 from Franklin Machine Shop for placing a flat bed dump on the old barrel garbage truck; the vehicle would be used in several departments.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO APPROVE THE WORK ON THIS VEHICLE.

3. Each Board member had received a copy of the Police Chief's written report for the month; Jerry Cook was present to review the report. Chief Cook said that he was also working on a ten-year report requested by several Commissioners, but it appeared initially that the number of calls had increased 200% over that period of time, while B&E's and other crimes had decreased. He also said that he had been informed that federal Homeland Security funds had become available through the County, and he had requested another MVD computer for the other patrol car; there would be no cost to the Town. He also reported that parking enforcement officer Ryan Angel had submitted his resignation in order to take a position with the Sheriff's Department; Lieutenant James McCall had retired effective December 31.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO ADVERTIZE FOR THESE TWO POSITIONS.

4. Each Board member had received a copy of the Recreation Director's report for the month; Selwyn Chalker was present to review the report. He reported that he had attended another meeting of the Committee working on the County's Master Recreation Plan, and that a public hearing would be held in Highlands on February 9.

5. 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. He said that the Land Use Planning Committee was making good progress. He also reported that the Planning Board would be meeting on January 10 to finalize its recommendations on the preliminary plat for the Brushy Face Subdivision, as well as to discuss holiday decorations and temporary commercial buildings, as discussed at the December 15 meeting; the Appearance Commission would meet on the normal monthly meeting date of January 24.

6. Each Board member had received a copy of the Treasurer's Report for the month. The Mayor remarked on the substantially higher revenue from the ABC Store under General Revenues, and the Treasurer confirmed that this was correct.

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

7. The Town Administrator reported that the Macon County Board of Commissioners had appointed Comm. Patterson to the Macon County/Highlands Recreation Commission. He also reported that the Division of Water Quality had at long last issued the Authorization to Construct for the Wastewater Treatment Plant project; bids were scheduled to be opened on January 13 at 2:00 p.m., and would be placed on the January 19 agenda for approval.

#### V. Old Business.

1. The Board discussed the permit issued at previous meetings for use of Town right-of-way for construction by Old Edwards Inn Inc. It was noted that all OEI projects appeared to be on hold at present and the right-of-way was not being used, and therefore no permit was required. The Town Administrator agreed to contact OEI and inform them that permission would have to be obtained when future construction necessitates such use.

The Board also discussed the permit issued at previous meetings for use of Town right-of-way for the Highlander Newspaper building; the Town Administrator reported that the only complaint he had heard was that the sidewalk was not always kept open at the end of each workday. Will Shankle, the contractor, was present and said he expected use of the right-of-way would not be needed beyond two months.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO APPROVE CONTINUATION OF THE PERMIT ISSUED AT THE PREVIOUS MEETING UNTIL THE FEBRUARY 2 MEETING, PROVIDED THE SIDEWALK IS KEPT OPEN AT THE END OF EACH WORKDAY.

2. The Public Works Committee had agreed to visit the site of a proposed locust guardrail at the H. C. Dodson property on Satulah Vista Lane, presented at the December 15 Board meeting by Jim Tate. Comm. James said he had no problem with the guardrail but wanted to be sure that the Town would not be exposed to any liability. The Town Administrator agreed to check with the Town's insurance carrier on this question before the next meeting.

#### VI. New Business.

1. The Town Administrator reported that the two-year review of rent required under the 1999 lease agreement for the WHLC-FM antenna on Big Bearpen was scheduled for the coming month; the amount was \$500 per month. A package of information prepared by Chuck Cooper

had been provided to each Board member. The Mayor asked what the Town's telecommunication consultant recommended for the rent amount, and the Town Administrator explained that he had not yet been able to contact her. The Board agreed by consensus to defer action until the next meeting.

2. Informal sealed bids had been received, opened earlier in the day, tabulated, and reviewed by the Public Services Administrator, as follows:

EXCAVATOR WITH TRAILER - STREET DEPARTMENT  
[Budgeted \$40,000]

|   |             |
|---|-------------|
| Nelson Tractor Company                      | \$38,988.53 |
| Powell Brothers Tractor & Equipment Company | 48,279.78   |

The Public Services Administrator reported that the Nelson Tractor Company bid did not meet specifications; he recommended awarding the bid to the second lowest bidder, Powell Brothers Tractor.

TRACTOR WITH MOWER - STREET DEPARTMENT  
[Budgeted \$57,000]

|   |             |
|---|-------------|
| Nelson Tractor Company                      | \$80,264.09 |
| Oconee Implement Company                    | 65,163.00   |
| Powell Brothers Tractor & Equipment Company | 63,987.00   |
| Interstate Equipment Company                | No Bid      |

The Public Services Administrator recommended awarding the bid to the low bidder, Powell Brothers Tractor.

PICKUP TRUCK WITH UTILITY BODY - WATER DEPARTMENT  
[Budgeted \$35,000]

|                                    |             |
|------------------------------------|-------------|
| Franklin Ford                      | \$35,938.00 |
| Jim Brown Chrysler Jeep Dodge Inc. | 37,950.00   |
| Tabor Chrysler Dodge Plymouth      | 38,400.00   |
| Smoky Mountain Chevrolet           | 32,155.82   |

The Public Services Administrator reported that the Smoky Mountain Chevrolet bid did not meet specifications; he recommended awarding the bid to the second lowest bidder, Franklin Ford.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO AWARD THE FOREGOING BIDS AS RECOMMENDED BY THE PUBLIC SERVICES ADMINISTRATOR.

3. The Town Administrator reported that he had also requested informal sealed bids for a contract for tires for Town vehicles; only one bid had been received, from Goodyear Performance Tire & Service Center. Comm. James felt that the bids ought to be re-advertized; the Board agreed by consensus to re-advertize for the next meeting.

4. Will Shankle was present from Building Traditions Inc. and reported that the concrete handicap ramp in front of the Highlander Building on Fifth Street had erroneously been poured so that it encroached between 1.77 and 1.44 feet into the right-of-line. Mr. Shankle said that the ramp had replaced the stairs and was required by federal law; in order to place it back entirely on the property, a thorn apple tree would have to be removed. The ramp would be faced with rock and would also have a handrail. Comm. James said he had no problem with the ramp, provided a revocable license agreement was executed in the event the sidewalk on Fifth Street was ever re-poured and needed to be placed on the right-of-way line.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO PERMIT THE ENCROACHMENT SUBJECT TO EXECUTION OF A REVOCABLE LICENSE AGREEMENT.

5. MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(6) TO REVIEW AN APPLICATION FOR EMPLOYMENT IN THE TRIMMING CREW. All present left the room except the Clerk and the Public Services Administrator.

The Board reviewed an application from David Webb; Mr. Webb had been the head of the Trimming Crew from 1995 until February 16, 2000, when he had been terminated. The Public Services Administrator and the Town Administrator recommended re-employing him at the beginning salary step as Trimming Crew Leader.

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

6. MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO EMPLOY DAVID WEBB AS TRIMMING CREW LEADER AT THE BEGINNING SALARY OF 13-1 (\$25,813).

VII. The Board agreed to adjourn by consensus.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:05 p.m.

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Richard Betz, Town Clerk