

REGULAR BOARD MEETING of January 19, 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, Jerry Cook, Dereck Jones, Kim Lewicki, Jim Lewicki, Melody Spurney, Candice Cunningham, David Bock, Chuck Cooper, and others.

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 he had still not been able to contact the Town's wireless communications consultant regarding the review of WHLC's rent for the Big Bearpen antenna; the Board agreed to delete this item from Old Business.

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 January 5 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that a focus group had met earlier in the day to discuss the need for Southwestern Community College having a presence in Highlands.

2. The Town Administrator reported that the land transaction for the Gibson/Eubanks annexation had still not been completed. He also reminded the Board that bids for the Wastewater Treatment Plant would be received at 2:00 p.m. the following day.

He said that he had talked to the Town's liability insurance underwriter concerning the guardrail at the Dodson residence on Satulah Vista Lane, as discussed at the previous meeting, but had still not received a definitive reply on the question of the Town's possible exposure to liability for approving it; he hoped to have a reply by the next meeting. Comm. James asked that the Town Attorney be consulted as well.

He then said that Larry Gantenbein had two items on which to report.

Mr. Gantenbein reported that the Planning Board had discussed holiday decorations and temporary commercial sheds at its previous meeting. It had recommended that the Ordinance not be changed concerning decorations; the consensus had been that such decorations could not be construed as signs, and the issue was one of taste rather than a need to amend an Ordinance that had been working well. With regard to temporary sheds, the Board recommended replacing the word "building" with "property" in the criteria for Special Use Permits defined in Section 501.1(a):

"All new commercial construction, additions to existing commercial property, and remodelling of existing commercial buildings which would result in an increase in the number of business occupants in the buildings."

Comm. Patterson asked if they had discussed other holidays, and Mr. Gantenbein replied that the Planning Board had had no problems with

appropriate seasonal decorations.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING FOR 7:00 P.M. FEBRUARY 16 FOR AMENDMENT OF THE ZONING ORDINANCE TO CLARIFY SECTION 501.1(A).

The Town Administrator also reported later in the meeting that Dave Cashion had resigned from the Advisory Committee for the Scholarship Endowment Fund.

V. New Business.

1. The Town Planner reported that the Planning Board had reviewed an amendment of the Preliminary Subdivision Plat for Brushy Face Subdivision, originally approved on March 3, 2004. The developers had presented to both the Planning Board and the Town Board at the time a plan showing underground electric service for both the subdivision itself and the primary electric line crossing the property, which was to be relocated to Brushy Face Road, as well as that of all the property owners beyond the subdivision served by the primary line; Town policy, as a matter of safety, called for electric service not to go overhead again once it had gone underground. The Planning Board had recommended that all electric service be placed underground in new subdivisions; however, it had agreed that this subdivision complied with the current Ordinance, and Mr. Gantenbein had confirmed with the Institute of Government that the Board did not have the discretionary authority to disapprove the subdivision if the plans met the technical specifications in the Ordinance. The Planning Board had thus reluctantly recommended that the amended plat be approved, although it had asked for a voluntary moratorium on construction on the electric system for thirty days while the developers and the homeowners try to negotiate an agreement whereby homeowners would pay the cost of placing electric service underground in the area beyond the primary line. He noted that Griffin Bell was present and reported that he had recused himself at the meeting. He also said that approval of the amended plat would not mean that the service could not be underground if an agreement was reached. Town Engineer Lamar Nix said that the Town had no preference for underground or overhead service; both had their pros and cons. Comm. James felt that, from a maintenance standpoint, overhead service would be preferable.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, TO APPROVE THE AMENDED PLAT. The Board then discussed the motion.

Comm. Ross asked if the Ordinance could be amended to require underground service during the moratorium period. Mr. Gantenbein said that the Planning Board was in favor of such a provision, but he thought it might take some time to draft. Griffin Bell pointed out that the plat had been approved by the Town Board contingent on final approval of the electrical plans by the Town Engineer; he wondered if the Town had approved the plat, or whether it had relied on its engineer for approval. Comm. Patterson thought that the plat had been approved contingent on the plans meeting specifications; if specifications had been met, it had been approved. Mr. Bell said that he represented fourteen homeowners on Brushy Face who would be meeting with the developers the following week. He requested first that the Board stick with the original plan. Failing that, he requested that the Board table the matter until after the moratorium, since approval could affect negotiations. He also pointed out that underground electric service was the standard for all new subdivisions; he felt that if electric service did not go underground it was sub-standard.

Comm. DeWolf said that he felt his vote to approve the subdivision originally had been prejudiced by the proposal for underground electric service; Comm. Ross agreed. Comm. James said that he felt Mr. Bell had a personal interest in this matter, and it appeared that the Planning Board had recommended approval except for him; he did not think the Town could legally require underground service, but he did not mind waiting. Comm. Patterson agreed to defer the

matter pending negotiations.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, TO WITHDRAW THE MOTION FOR APPROVAL.

MOVED BY COMM. MARSH, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO DEFER THIS MATTER UNTIL THE FEBRUARY 16 MEETING.

2. Each Board member had received a copy of the Highlands Fire & Rescue Department's Annual Report.

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

The Mayor commended the Fire Department for its good work. He also drew attention to the recommendation in the report concerning the possibility of hiring at least one, and possibly two, full-time firemen for the coming fiscal year.

3. The Clerk reported that a petition for annexation had been received from Tug Wa Ridge Land LLC for a 16.62-acre tract contiguous to the Town limits on NC-106, directly opposite the Gibson/Eubanks property already under consideration for annexation. A plat had also been submitted, and David Bock presented a conceptual drawing as well, showing a proposed 12-lot subdivision including the existing house. The lots would exceed one acre in area, and it was proposed that they be served by the same eight-inch gravity sewer and a six-inch water main which the Gibson/Eubanks developers had agreed to install.

The Clerk suggested that an Annexation Ordinance be prepared and reviewed by the Town Attorney, and that the Board meanwhile set a public hearing if it wanted to proceed with the annexation; he would meanwhile certify the sufficiency of the petition.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING FOR THE PETITION FOR ANNEXATION PURSUANT TO G. S. §160A-31(C) FOR 7:00 P.M. FEBRUARY 16.

4. Informal sealed bids for a contract for tires for Town vehicles through June 30 had been requested on second advertisement. The Town Administrator reported that two bids had been received, opened, and tabulated earlier in the day by him and the Public Services Administrator. The lump sum total for all tires from each company were as follows:

- Goodyear Performance Tire & Service Center.....\$3,273.56
- Nantahala Tire and Car Care.....3,283.10

He recommended awarding the contract to the low bidder.

MOVED BY COMM. MARSH, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO AWARD THE CONTRACT TO GOODYEAR PERFORMANCE TIRE & SERVICE CENTER THROUGH JUNE 30.

5. Comm. James commented on the editorial in The Highlander the previous week concerning the antenna rent for WHLC; it had said that the Board was considering doubling the rent, but nothing had been said at the meeting concerning such a proposal. He did not think it had been a fair editorial and he wondered where it had come from.

Melody Spurney was present and said that she had not written the editorial; it had reflected the position of the Highlander newspaper.

6. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, 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 POLICE DEPARTMENT.

All present left the room except the Clerk, the Police Chief, and Dereck Jones.

The Police Chief introduced Dereck Jones and reviewed his qualifications with the Board. He said that, although Mr. Jones would work part-time as Parking Enforcement Officer, he had obtained his Law Enforcement

Certification; he recommended employing him full time at a salary of 11-1.

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

7. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO EMPLOY DERECK JONES AS A PATROL OFFICER, SUBJECT TO THE 12-MONTH PROBATIONARY PERIOD FOR POLICE OFFICERS, AT A BEGINNING SALARY OF 11-1 (\$23,385).

VI. 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 7:55 p.m.

Richard Betz, Town Clerk