

BOARD MEETING of March 2, 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, Kim Lewicki, Jim Lewicki, Erin Brown, Melody Spurney, Bob Carlton, Dr. Patti Wheeler, Sabrina Hawkins, Nancy Plate, 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 Town Administrator reported that, due to the Planning Board had having met and made a recommendation, approval of the final plat for the Woodcrest Subdivision, under Old Business, would need to be deferred until the next meeting; the HCCDC no longer needed permission to use Town right-of-way, another item of Old Business; and Comm. Ross had requested permission to discuss a personnel matter involving the Town Administrator in the Closed Session already scheduled at the end of the meeting.

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

III. Approval of Minutes.

Copies of the minutes of the February 16 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that he would be attending a meeting in Raleigh the following week of the Transportation, Communication, and Public Safety Legislative Action Committee, which would include Homeland Security issues. He also reported that the D.O.T. had placed a moratorium on construction projects due to State budgetary problems; however, Highway Commissioner Conrad Burrell had assured him that it would not affect construction of the first 0.7 miles of Bowery Road this year, although it might delay construction of the rest of the road.

2. The Town Administrator distributed copies of minutes of the Public Works Committee's meeting of February 24. He said the Committee had reviewed a letter from Sabrina Hawkins, which was on the agenda under New Business, and had recommended designating one 15-minute parking space on Main Street in front of Highlands Inn. The Committee had also discussed, pursuant to the discussion with the County Commissioners in a joint meeting on February 21, various sewer and water projects, and had asked the Town Engineer to compile a list of those projects; this item was also on the agenda under New Business. The Committee was also reviewing mandatory sewer connection policy and would be making a recommendation to the Board in the near future concerning the current exemption for existing septic systems.

Comm. Ross reported that he, the Mayor, D.O.T. District Engineer Wesley Grindstaff, and members from the community had met and discussed the design for Bowery Road. Concerns had been expressed about the 20-foot width and the provision of asphalt curbs in addition to ditches and shoulders, the use of bituminous surface treatment rather than asphalt, and the need to preserve a rural feel for the road by a minimal removal of vegetation; he felt that those concerns

should be forwarded to the D.O.T. as suggestions. The Board authorized Comm. Ross to draft a letter to that effect and bring it to the next meeting for approval.

The Town Administrator also reported that the Finance Committee had met on February 24 and reviewed the Town's capital reserves. The Committee was holding off on a recommendation on funding for the Wastewater Treatment Plant expansion pending a decision from the County; he understood they had met with the Franklin Town Board Monday night, and would be making a decision at its April 4 meeting since the Town had missed the deadline for the March 7 meeting. Comm. Patterson pointed out that the Town had had a request for funding in since July of 2004; she felt that this item should have been considered this month.

Comm. DeWolf reported that he and County Commission Bryson had had a very positive meeting with the Chamber of Commerce; he would provide a full report by the next meeting.

3. 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.

4. 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.

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.

6. Each Board member had received a copy of the Treasurer's Report for the month. He pointed out that both the \$150,000 in County Recreation funding and all of the federal portion of the FEMA reimbursement for Hurricane Ivan and Hurricane Frances had been received.

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

7. The Town Administrator distributed copies of a letter received from Bronce Pesterfield dated March 2.

Comm. Patterson asked what the policy of the Town was concerning pedestrians slipping on sidewalks; she wondered who was responsible for keeping them cleared of snow and ice. The Town Administrator said that claims of injuries on sidewalks were referred to the Town's insurance adjuster, but generally they were denied in the case of snow and ice. Town policy was not to clear sidewalks; businesses had traditionally taken on that responsibility in front of their businesses but were not required to do so.

V. Old Business.

1. The Board further discussed the sewer connection fee for a recently-approved 50-seat restaurant, which had been taken under advisement at the last meeting. Bob Carlton had provided a suggested "3 Tier Fee Schedule," which had been included in the agenda package; he said the schedule would offer a reduced fee to food establishments with no grease trap and a fee for businesses such as caterers and sandwich shops which were now considered "take-out" and paid a retail connection fee. Comm. Patterson asked if fees such as these could be applied retroactively. The Town Administrator recommended against that; he said that fees assessed and paid when a business opened were the prevailing fees at the time and start-up costs would have included them, whereas new fees always applied from the effective date forward. Comm. James said that Mr. Carlton had gotten a Special Use Permit for a restaurant, and he felt that he ought to pay the fee provided for in the current schedule. Comm. Ross said he would like more time to digest the information provided. Comm. Patterson felt that the Board should not change the connection fee specifically

for a single person; Comm. DeWolf agreed.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO ASSESS THE REGULAR CONNECTION FEE FOR THIS BUSINESS.

VI. New Business.

1. Sabrina Hawkins, owner of Highlands Inn, was present to discuss with the Board a letter dated February 23 concerning various issues relating to parking and Old Edwards Inn. It was reported that the Public Works Committee had already recommended designating a 15-minute parking space on Main Street in front of the Inn; several spaces on Fourth Street alongside the Inn were already designated two-hour parking but had not been re-marked since the recent D.O.T. paving. The Board discussed the letter and the issues it raised at some length.

Ms. Hawkins said that on any given day at least 15 employees of other businesses, mostly Old Edwards Inn, were parking in front of Highlands Inn in violation of the Parking Ordinance, which placed a hardship on her businesses. She also said that the valet parking approved for OEI was only used on Friday and Saturday. Her letter also suggested that the Town consider the use of parking passes by guests.

Comm. Patterson felt that the Board ought to consider parking passes so that the Parking Ordinance could better be enforced by the Police Department. She thought that the inns were unique and it was important for guests to park close to their entrances. She also felt that designated parking should be provided for OEI employees, and said she understood they were not permitted to park on OEI property; it should be made clear that they should not park along the curbs on Main Street when the Ordinance went into effect.

Comm. James felt that OEI should be informed about these allegations. The Town Administrator said that he had already met with them and discussed Ms. Hawkins's allegations, and had also made them aware that the Parking Ordinance went into effect on March 17 and that renewal of the two valet parking spaces approved last year would be on the agenda of the next meeting.

Comm. Ross felt that it was important to research the parking approved at Rib Country and other OEI property and try to understand where they intended for their employees to park; he pointed out that they had said they would shuttle employees from the Sassafras Gap Campground, but the valet parking had not been contingent on the shuttle service. He felt they should come to the next meeting prepared to explain how they manage all of their parking.

By consensus, the Board agreed to designate a 15-minute parking space in front of Highlands Inn near the main entrance.

2. Dr. Patti Wheeler was present and reported that she, the Mayor, Comm. DeWolf, Chief Cook, and others had met informally to discuss concerns over improved policing of the drug problem in Highlands. She suggested that the Board appoint a Committee to work on enhancing public safety and cooperation with the police, and said that she knew of many volunteers from area churches and the community who would be willing to serve; the Committee would work on a trust-building relationship to help make the police force more efficient, perhaps in connection with the County task force on drugs. The Board discussed the idea of such a Committee at some length with Dr. Wheeler. Chief Cook suggested that perhaps a forum would be more effective, and he commented that he was often limited in what he could disclose publicly; Dr. Wheeler thought that a Committee needed to drive such a forum.

The Board agreed by consensus to appoint a Committee consisting of Comm. Marsh, Comm. DeWolf, and the Police Chief, as well as four people from the community to be identified by Dr. Wheeler. Dr. Wheeler would coordinate scheduling the first meeting of the Committee with the Town Administrator so that notice could be

provided, and the Committee would then meet and discuss its mission and guidelines.

3. Town Engineer Lamar Nix had prepared a list of sewer and water projects, together with accompanying maps, as discussed earlier in the meeting and as mentioned at the joint meeting with the County Commissioners on February 21. He then reviewed the projects in some detail. The sewer projects consisted of the Harris Lake drainage basin, the East Shore Lake Sequoyah area, the Mirror Lake drainage basin, and the Big Creek drainage basin; the total cost would be \$5,987,822, and the project would provide sewer service to problem areas around lakes and rivers where pollution and older septic systems were a problem, while greatly increasing the number of sewer users.

The water projects were line replacements which would provide fire protection where lines were too small, and had been compiled from a list required by the Public Water Supply Section of DENR; the total cost would be \$6,405,358. The Public Works Committee had discussed sending the list, totalling \$12.4 million, to the County Board of Commissioners as projects that might qualify for future County matching funds, in addition to the Wastewater Treatment Plant expansion, if the County water and sewer funding agreement was extended for ten years as had been proposed by one Commissioner.

The Board agreed by consensus for the Town Engineer and Town Administrator to forward the list, with a cover letter explaining its purpose, to the County Commissioners.

4. Police Chief Jerry Cook said that he had an application for employment to discuss in Closed Session.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(5) TO DISCUSS THE ACQUISITION OF REAL PROPERTY, AND PURSUANT TO §143-318.11(A)(6) TO DISCUSS A PERSONNEL MATTER INVOLVING THE TOWN ADMINISTRATOR AND REVIEW AN APPLICATION FOR EMPLOYMENT IN THE POLICE DEPARTMENT. All present left the room except the Clerk and the Police Chief.

A. The Board reviewed with the Police Chief an application for employment in the Police Parking Enforcement position from Oscar Martinez; the Chief recommended employing him at a salary of 9-3 due to his fluency in Spanish and his certification in Georgia, pending certification in North Carolina.

B. The Board discussed the acquisition of real property.

C. The Board discussed a personnel matter involving the Town Administrator.

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

5. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO OFFER THE POSITION OF PARKING ENFORCEMENT OFFICER TO OSCAR MARTINEZ AT A BEGINNING SALARY OF 9-3 (\$22,258).

VII. The Board agreed by consensus to adjourn.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:05 p.m.

Richard Betz, Town Clerk