

EMERGENCY BOARD MEETING of August 16, 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, Bill Harrell, Kim Lewicki, Adam Thompson, Monica Bomengen, and Tony Carver.

I. Call to Order.

The Mayor called the Emergency Board Meeting to order at 7:00 p.m. and explained that he had called the meeting to discuss the School Resource Officer (S.R.O.) position, which the Board had approved at the previous meeting.

II. Business.

Police Chief Bill Harrell informed the Board that he had five candidates interested in the S.R.O. position, but none of them were interested any longer. He then presented a power point presentation and distributed other information outlining the difficulty in recruiting an S.R.O. and other police officers, comparing the budgets of the Highlands and Franklin Departments, and providing information on the cost advantages and disadvantages with a policy permitting officers to take home cars as they did in Franklin; he proposed increasing the size of the Department's fleet by six vehicles, consisting of four used Crown Victorias and two used Jeep Cherokees. He felt that a take-home car policy would help in recruiting police officers.

Town Administrator Richard Betz distributed information that he had gathered on police salaries, health insurance benefits, and take-home policies at other Departments. He said that salaries were comparable with other Departments, that the added benefit for officers with families was \$11,000 per year in health insurance premiums, and that he was opposed to both take-home vehicles and used vehicles. He cautioned the Board to think carefully and not make any hasty decisions.

Comm. Patterson felt that the Board would not be able to recruit professionals if it did not entertain the option; salaries and health insurance benefits were good, but the Town had still not been able to recruit new officers.

Comm. DeWolf said that he had not considered the value of take-home vehicles before now; if a vehicle was an incentive, he felt the Board ought to consider it.

Mayor Trott said that the Board had hired Chief Harrell because he knows law enforcement, and he felt the Board should rely on his experience; if the Town wanted quality, it would have to pay for it.

Comm. Ross said that he had been impressed with the turn-over rate for officers over the past years.

Comm. Marsh suggested that the Finance Committee review the information provided. Comm. Ross also felt that there were some conflicting statistics presented by Chief Harrell and the Town Administrator, and he thought they should be resolved.

Comm. James felt that part of the discussion involved a personnel matter, and he felt the Board should go into Closed Session to discuss it.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(6) TO DISCUSS PERSONNEL MATTERS. Comms. James, Ross, and Marsh voted "aye;" Comms. Patterson and DeWolf voted "nay."

The Board discussed personnel matters.

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. The public was invited into the room, and the Mayor announced that the Board had agreed by consensus to take this matter under advisement; the item was already on the agenda of the Regular Board Meeting scheduled for the following night.

III. MOVED BY COMM. JAMES, 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 8:30 p.m.

---

Richard Betz, Town Clerk

REGULAR BOARD MEETING of August 17, 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, Bill Harrell, Geoffrey Willett, Kim Lewicki, Adam Thompson, Eric Pierson, Bob Wright, John Cleaveland, Don Mullen, Ginger Slaughter, Clem Patton, King Young, Pat Taylor, Rick Siegel, Beth and Steve Hamm, Bill Nellis, Griffin Bell, Melody Spurney, 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 there was one additional item of Old Business, acceptance of utilities in the Hardscrabble Land Company subdivision; one item of New Business, request for a letter of support for an HCCDC grant application; and review of an application for employment in the Police Department during the Closed Session already scheduled.

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 August 5 Public Hearing and 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 the Division of Water Quality had scheduled a Basinwide Water Quality Conference in Franklin on September 27. He also reported that the NCLM would be holding its 2005 conference in Hickory this year October 16-18. Comm. Marsh reported that the Macon County Planning Board would be sponsoring a graduate student presentation on Macon County on August 25 at 6:00 p.m. in Franklin.

2. Comm. Marsh noted that the Public Works Committee had been asked to review a request for a 15-minute parking space. The Committee agreed to meet at 8:30 a.m. on September 6 to review the request and other timed parking in the downtown area.

3. The Town Administrator distributed copies of a letter he had written to Elizabeth Lindsey on August 8 pursuant to the Board's August 3 meeting. He also distributed copies of a letter from the N. C. Historical Commission containing recommendations on mitigative measures to be used on Bowery Road by the D. O. T. He also distributed copies of a letter from the Highlands Group of Christian Scientists requesting reconsideration of the Board's decision to include water, sewer, and electric charges on utility bills for all churches; the Board agreed by consensus to discuss this at the September 7 meeting.

V. Old Business.

1. The Town Administrator reported that the Committee appointed to review the non-conforming building provision in the Zoning Ordinance had failed to reach consensus and had felt that the entire Board should discuss it. He had prepared a list of several focus questions on non-conforming building policy for the Committee some

time ago, and Comm. DeWolf had already replied. Copies of the questions had been distributed in the agenda package, and he suggested that the Board reply to them, correlate the results, and discuss points of disagreement at the next meeting. The Board agreed by consensus.

2. The Town Engineer had been asked to review the culvert on Second Street at Spring where a retention pond had been constructed by Warth Construction Company; the Board had asked at the previous meeting that some of the rocks be removed from the right-of-way in front of the building to permit room for pedestrians. The Town Engineer said that the culvert had been installed within the past ten years and would not need to be extended in order to provide pedestrian access. After some discussion the Board agreed to ask that the rocks be removed as previously decided.

3. The Town Administrator reminded the Board that it had discussed accepting the water and electrical system in Steve Pierson's Hardscrabble Land Company subdivision on July 6, as recommended by the Town Engineer, but had not done so when the road grade variance had been granted on August 3.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ACCEPT THE WATER AND ELECTRICAL SYSTEM IN HARDSCRABBLE LAND COMPANY SUBDIVISION.

#### VI. New Business.

1. Division of Community Assistance Chief Planner Geoffrey Willett was present to reply to questions about Extra-territorial Jurisdiction (ETJ) and Annexation, as requested at the July 20 meeting. Information had been distributed on both subjects, together with a map indicating an ETJ boundary proposed by the Land Use Planning Committee.

Comm. James asked about an annexation study. Mr. Willett said that his office encouraged towns to do the qualification study themselves with some oversight; in this case, he said Town Planner Larry Gantenbein had already done a good job, and the areas that qualified were shown on the map. He said most towns contracted out the engineering study to consulting engineers, and the cost was usually \$20,00 to \$30,000. The cost and benefit analysis could also be done in-house. Comm. James said that he did not see how the Town could go forward without the cost and benefit analysis.

Comm. Patterson asked about ETJ. Mr. Willett said that a town could establish an ETJ first, and once the area was delineated the decision could be made as to which Ordinances would be extended into the area.

In the case of Highlands, the Subdivision and Soil Erosion Ordinances would immediately go into effect because of the wording in those Ordinances, but the Town did not have to extend other Ordinances into the ETJ at once. New zoning districts or open districts could be extended, and the Town could pick and choose which districts and regulations it wished to extend.

Comm. Ross wondered if the Town should have some idea which Ordinances it wished to extend first, or if it should decide afterward. Mr. Willett said the Land Use Planning Committee had discussed that and it was reflected in the proposal. He felt it was important for the Board to make a decision first if it believed it was the best decision, then work on which Ordinances to extend. Land Use Planning Committee John Cleaveland agreed; he also pointed out that a future Board might change its mind if the boundary was not established first, and he also felt it should be done before the election in November.

Asked about County regulations in effect in the proposed ETJ, Mr. Willett recommended discussing this with the County Commissioners and negotiating who would do what. The Board then discussed public education. Comm. Patterson felt it was advisable to proceed with education, and there was agreement; Mr. Willett said that towns often

used newspaper articles, handouts, or public meetings to educate the public about ETJ. Bob Wright said that the Macon County Watershed Council had achieved success through small community meetings; he felt it was well worth doing. Dates for a possible public hearing and staff time in providing first class mail notice--required four weeks prior to the hearing--was discussed.

MOVED BY COMM. MARSH, SECONDED BY COMM. ROSS, AND CARRIED TO SET A PUBLIC HEARING TO ESTABLISH AN EXTRA-TERRITORIAL JURISDICTION AT 7:00 P.M. ON OCTOBER 12. Comms. Patterson, Ross, Marsh, and DeWolf voted "aye;" Comm. James voted "nay."

The Board then discussed the exact delineation of the property within the proposed ETJ, which would be necessary in order to provide mail notice.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND CARRIED THAT THE BOUNDARY OF THE ETJ BE AS RECOMMENDED BY THE LAND USE PLANNING COMMITTEE ON THE MAP DISTRIBUTED AND DISPLAYED BEFORE THE BOARD. Comms. Patterson, Ross, Marsh, and DeWolf voted "aye;" Comm. James voted "nay."

The Board then discussed the question of annexation. Mr. Willett said that there was no legal connection between the two. The Board could choose to adopt a Resolution of Consideration and then have the annexation study done within two years, or it could have the study done first and then adopt a Resolution of Intent. John Cleaveland said the Land Use Planning Committee had recommended only that the Town begin discussions with the country clubs in the qualifying areas. Comm. Patterson said she felt the annexation study needed to be done at some other time; the two issues might be difficult to separate in the minds of some people. The consensus was not to proceed with any annexation at this time.

Comm. Marsh thanked Mr. Willett for coming to the meeting and providing invaluable information and advice.

2. Bob Wright was present and asked for the Town's support in an application by the HCCDC for a \$7,000 grant from the Community Foundation of WNC; the grant was for a public education and demonstration site at the facility, and he requested that the Watershed Administrator be authorized to write a letter. The Board agreed by consensus.

3. The Board further discussed the take-home car policy proposed by the Police Chief at the Emergency Meeting the previous evening, August 16. Comm. Patterson felt that the Town had a problem attracting and recruiting qualified officers for the Police Department and that this would be a good option. Comm. DeWolf said he did not wish to second-guess the Police Chief's opinion of the value of a take-home car to an officer.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO AMEND THE FY 05-06 BUDGET TO REFLECT THE PURCHASE OF FOUR POLICE CRUISERS AND TWO JEEP CHEROKEE 4 x 4 VEHICLES BY INCREASING CAPITAL OUTLAY EQUIPMENT FROM \$22,000 TO \$100,000 IN THE POLICE DEPARTMENT, TO COME FROM GENERAL FUND CAPITAL RESERVES.

4. 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 DISCUSS PERSONNEL MATTERS AND AN EMPLOYMENT APPLICATION IN THE POLICE DEPARTMENT. All present left the room except the Clerk and the Police Chief.

A. The Police Chief reported that Patrol Officer Jeffrey Hartsell had resigned, but had requested being retained as a Police Auxiliary Officer. He also reported that Gary Dalton had resigned.

B. The Police Chief reviewed with the Board an application for the School Resource Officer (S.R.O.) position, as well as a draft job description and salary grade; he recommended

employing Rondal Castle in this position at a salary of 12-5 (\$27,932).

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

5. MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO EMPLOY RONDAL CASTLE IN THE S.R.O. POSITION AT A SALARY OF 12-5 (\$27,932) FOR THE 12-MONTH PROBATIONARY PERIOD, AND TO APPROVE PREPARATION OF A JOB DESCRIPTION AND AMENDMENT OF THE PERSONNEL MANUAL ACCORDINGLY. The Board also agreed by consensus to transfer Jeffrey Hartsell to a Police Auxiliary Officer and to accept the resignation of Gary Dalton.

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 9:00 p.m.

---

Richard Betz, Town Clerk