

REGULAR BOARD MEETING of March 15, 2006, with Mayor Don Mullen and Commissioners H. N. James, Dennis DeWolf, Alan Marsh, Amy Patterson, and Hank Ross present.

Also present were Richard Betz, Lamar Nix, Larry Gantenbein, David Hourdequin, Lee Hodges, Ginger Slaughter, Kim Lewicki, Jim Lewicki, Adam Thompson, Bob Kieltyka, King Young, 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 asked that three items be added: Resolution regarding appointment of Zoning Board member in the ETJ, request for use of right-of-way for construction activities, and award of bids on Phase II of the re-conductoring project.

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 March 1 Regular Board Meeting and the March 8 Special Board Meeting had been distributed by mail.

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

#### IV. Reports.

1. The Mayor reported that Graham Fields from Elizabeth Dole's office would be in Town to look at the silt problem in the lakes on April 6 at 8:30 a.m. He also reminded the Board that the Chamber of Commerce would be holding its annual retreat on March 29, and he urged Board members to attend.

2. Comms. Ross and Patterson reported that the ETJ Liaison Committee had met on March 9 and mapped out a plan, forwarding comments received from the first two sets of community meetings to the Planning Board; dates for the last three sets of meetings had not yet been set. The Committee would meet again at 5:00 p.m. on March 23.

Comm. DeWolf reported that he and Comm. Ross had prepared a final draft of the RFP for the Town Administration Master Facilities Plan, approved at the March 1 meeting, and would be mailing them out to area architects.

3. The Town Administrator reported that the personnel study would begin on Friday with an all-day kick-off meeting with all of the employees outlining the program and requesting information on job responsibilities. He also provided a copy of the lawsuit filed by Macon County against the Town concerning proportional representation in the ETJ. He reported that the moratorium on commercial construction in the ETJ would expire the next day.

The Town Engineer reported that he had talked to the District Engineer and the D. O. T. would be re-locating the culvert at the intersection of US-64 and Hickory Hill Road, as discussed at the previous meeting. He also said that the Engineer had indicated the Town should send a letter requesting funding for the sidewalk and curb-and-gutter along the east side of Chestnut Street between US-64 and Fifth Street, and the Board agreed to send such a letter by consensus. Comm. James suggested that the letter indicate that the Town would want to decide where the sidewalk would go. The Town Administrator reported that Charles Simmerson would be coming to the Board in April to clarify

the location of the sidewalk which he was required to install on the north side of Chestnut Street, as well as along US-64 and Hickory Street.

#### V. Old Business.

1. Although not on the agenda, Lee Hodges was present and requested that her request to exclude Blue Valley Estate, presented for information at the March 1 meeting, be considered tonight. She said that her subdivision was similar to Highlands Falls Country Club and Cullasaja Club, which the Board had excluded when extending ETJ last November. Comm. Patterson said she was not in favor of exempting small subdivisions, which could have inadequate roads and lot sizes and no enforcement of covenants. The decision to exclude the two large subdivisions was a political one based on their size, contiguity, and administrative boards able to enforce covenants. Comm. DeWolf agreed; he thought there were significant differences between the two subdivisions excluded and smaller subdivisions in the ETJ. Comm. Ross also felt that smaller subdivisions should be included in the ETJ, and he pointed out that he would not want to eliminate anything at this point while in the middle of the process. Comm. James said he did not see how the subdivision regulations would affect existing subdivisions; however, he had not agreed with the decision to exclude Highlands Falls and Cullasaja Club.

MOVED BY COMM. MARSH, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO DENY THE REQUEST.

#### VI. New Business.

1. Each Board member had received a copy of the minutes of the March 13 Planning Board meeting. The Town Administrator said that he had attended the meeting and he reported that the Board would be considering a draft of an ETJ-Multi-Use District at three upcoming 5:30 p.m. meetings March 20, March 27, and April 3. The draft would incorporate the comments received from the first set of ETJ meetings.

2. The Town Administrator had prepared budget requests to Macon County, Jackson County, and the Highlands Chamber of Commerce:

- Macon County: The budget request was for \$500,000, and was accompanied by a proposed 06-07 Recreation Department budget, including revenues and expenditures. Comm. Patterson said that she wanted time to review the budget, and the Board approved the request by consensus, contingent on review by the Finance Committee.

- Jackson County: As in past years, the budget request was for Jackson County to institute a fire district tax like Macon County and most other counties in the State, or in lieu of that to fund the cost of fire protection in the Jackson County portion of the Highlands service area in an amount equivalent to that which would be generated by the Macon County fire tax. The Board approved the request by consensus; Comm. Ross agreed to contact Jackson County officials and discuss the request.

- Highlands Chamber of Commerce: As in past years, the budget request was for 50% of maintenance, supplies, and cleaning of the public restrooms, which this year would again be \$10,000. The Board approved the request by consensus.

3. Each Board member had received copies of a filing before the Federal Communications Commission, prepared for the Town by its cable franchise consultant, David Harris. Mr. Harris had prepared filings for 90 communities like Highlands requesting that the FCC not interfere with local government authority over franchising.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO AUTHORIZE THE MAYOR TO SIGN THE FILING.

4. The Town Administrator reminded the Board that it had adopted a resolution and forwarded it to the Macon

County Board of Commissioners pursuant to the January 4 meeting, requesting appointment of two members to the Zoning Board; new figures, subject of a lawsuit with the County, indicated that only one member would be required on a five-member Board to achieve proportional representation. The Board agreed by consensus to place the revised resolution on the agenda of the April 5 meeting for approval.

5. A request to use the right-of-way for construction activities had been received from Handyman 4 You. The request was for parking of a construction trailer on Main Street in order to re-roof Acorns through the end of the following week; the trailer would be moved on the weekend.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE REQUEST.

6. The Town Engineer had opened two informal bids earlier in the day for Phase II of the re-conductoring project, as follows:

- M. B. Haynes \$75,000
- Dillard Smith 90,988

MOVED BY COMM. MARSH, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO AWARD THE CONTRACT TO THE LOW BIDDER.

The Town Administrator said that \$264,000 had been budgeted under Capital Outlay in the Electric Department, and Phase I of the re-conductoring project, approved in December, had been only \$78,460. The Town Engineer suggested preparing a plan sheet based on work that the GIS/Field Technician was preparing in order to develop an RFP for changing out poles, as discussed many times in recent months; the pole change-outs would bring clearances into compliance with the National Electric Safety Code. The Board approved the preparation of bids by consensus.

VII. MOVED 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 8:00 p.m.

---

Richard Betz, Town Clerk