

REGULAR BOARD MEETING of September 6, 2006, with Mayor Don Mullen and Commissioners Alan Marsh, Amy Patterson, H. N. James, Hank Ross, and Dennis DeWolf present.

Also present were Richard Betz, Lamar Nix, Selwyn Chalker, Bill Harrell, Larry Gantenbein, Kim Lewicki, Jim Lewicki, Buck Trott, Bill Nellis, Rick Siegel, Adam Thompson, Robert O'Neil, Mario Gomes, George Mathis, Farrell Zehr, Sandra Baty, Bob Kieltyka, 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.

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

III. Approval of Minutes.

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

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

Copies of the minutes of the August 23 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. Public Comment Period.

The Mayor stated that this was the time for public comments as required by law.

Buck Trott was present and reported that the Mountain Top Relay for Life had raised \$246,450 for the American Cancer Society; he thanked the Town for its support. The Mayor thanked him and his Committee for their work. Mr. Trott also said he felt the Town needed a full-time code enforcement officer, especially for erosion control; Larry Gantenbein was doing a good job but the Town needed to do better.

Dr. Robert O'Neil thanked the board for amending its noise ordinance. He also expressed concern over land stewardship in Town and the need to develop more restrictions on development.

Bob Kieltyka thanked the Board on behalf of the Chamber of Commerce for the success of the recent Pine Street event.

Jim Scott said that Elizabeth Lindsey was present outside the meeting room, and asked that the Board let him know when her item would be considered on the agenda. The Mayor asked him to bring Ms. Lindsey into the room and said the Board would consider it as soon as she arrived.

V. Reports.

1. The Mayor reported that he continued to be in touch with Senator Dole's office, and he now understood there could be funding available for silt removal from another USDA source.

He also reported that Town officials had met with D.O.T. officials on August 29 and discussed Hickory Hill Road. The D.O.T. had agreed to stake the road and had also indicated there was money available for paving.

2. Comm. James reported that Town officials had met with Macon County officials to discuss changes in solid waste management at the Rich Gap landfill due to state regulations; the County was proposing constructing a transfer station at the site, and it appeared that the Town would have to help with the costs or build one itself. County officials were getting cost estimates and would meet again soon.

Special Order.

Jim Scott returned to the meeting room with Elizabeth Lindsey, and said that he had been the broker when she had purchased Little Bearpen; the zoning had been commercial at the time and he asked why it had changed. He said Ms. Lindsey has been planning on developing the property, and he distributed drawings of a proposed lodge. The Mayor said the zoning had been changed from B-3 to R-1; the Town Administrator confirmed that the record showed the change had been made in 1999, together with several other properties, as a result of recommendations in the Land Use Plan that highway commercial development be restricted in order to concentrate commercial in the downtown business district. The procedure for changing it back would be to submit a petition for re-zoning. Mr. Scott also asked about the roads in Sherwood Forest, which he understood the Town would take over. The Town Administrator said that Ms. Lindsey had been informed that the roads could be accepted by the Town if they were paved and brought up to Town specifications. Town Engineer Lamar Nix confirmed that the roads now met town standards, and Ms. Lindsey was told to proceed with conveying the roads to the Town if she wished to proceed.

Reports Continued.

Comm. Ross said that he had looked at the landscape island at the ABC Store and he felt that it could be removed as requested at the previous meeting, although the spruce tree it contained should be transplanted.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO PERMIT THE ABC BOARD TO REMOVE THE LANDSCAPE ISLAND.

The Board agreed by consensus for the Street Department to do this work.

Comm. Ross then reported that the Public Works Committee had talked at its previous meeting about the need for post-construction stormwater management; he had discussed it with Larry Gantenbein and Bob Wright and asked if the Board could get something going. Comm. Patterson said she had also discussed the need for writing Best Management Practices (BMPs) into Town ordinances. Comm. James said he felt it was important for the Town to have land disturbing done in phases.

MOVED BY COMM. ROSS, SECONDED BY COMM. MARSH, THAT THE TOWN HAVE A POLICY REQUIRING POST-CONSTRUCTION STORMWATER MANAGEMENT IMMEDIATELY, APPLYING TO ALL NEW BUSINESS CONSTRUCTION AND SUBDIVISIONS, WITH THE DETAILS TO BE WORKED OUT IN ONE MONTH.

Comm. Patterson asked how the policy would work. The Town Administrator said that if it consisted of amendments to the Zoning or Subdivision regulations, public hearings would be required and review by the Town Attorney before the policy could be enforced. He also pointed out that McGill would be making recommendations based on review of

Town policies and ordinances as part of the Stormwater Master Plan; he suggested they be contacted to see if they could proceed with that portion of the study. Comm. Ross felt that action should be taken immediately; he felt that the Town Engineer could review plans for now and the Board could sort it out later. He also felt that the policy should say that the site must be designed to retain water for a 25-year storm. Comm. Patterson said she had no problem with adopting the policy if steps were taken to work out the details. Larry Gantenbein said that he could have the policies drafted by the first meeting in October; he said he was already working on a requirement that third-party engineering firms review plans.

THE MAYOR CALLED THE QUESTION AND IT CARRIED. Comms. Ross, Marsh, DeWolf, and Patterson voted "aye," and Comm. James voted "nay."

3. Each Board member had received a copy of the Town Engineer/ Public Service Administrator's report for the month; Lamar Nix was present to review the report, and thanked Board members who had attended the August 31 Wastewater Treatment Plant open house. He also asked for permission to advertize for informal bids for a warehouse building, pursuant to the FY 06-07 budget.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO ADVERTIZE FOR BIDS FOR A WAREHOUSE BUILDING.

4. Each Board member had received a copy of the Police Chief's report for the month; Bill Harrell was present to review the report. The Town Administrator asked that the Board authorize informal bids for a patrol car.

MOVED BY COMM. MARSH, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ADVERTIZE FOR BIDS FOR A PATROL CAR.

Comm. Ross also noted that the Town needed to purchase temporary barriers for closing off Pine Street for special events.

5. Each Board member had received a copy of the Recreation Director's written report for the month; Selwyn Chalker was present to review the report. The Town Administrator reported that Bonnie Bryson had resigned on August 24. Mr. Chalker recommended employing Maxine Ramey as Civic Center Coordinator and Dale McCall as a part-time employee.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO EMPLOY MAXINE RAMEY AS CIVIC CENTER COORDINATOR.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO EMPLOY DALE MCCALL PART-TIME.

6. 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 also asked the Board to consider increasing the fines for violation of the Soil Erosion Ordinance in Section 11-20 of the Highlands Code from \$500 per day to a sliding scale, ending at \$5,000 per day; after some discussion, he recommended simply changing it to \$5,000 per day. The Town Administrator asked if the proposed changes could be drafted and submitted to the Town Attorney for approval since the Board had nothing before it to review.

MOVED BY COMM. ROSS, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO AMEND SECTION 11-20 OF THE HIGHLANDS CODE TO INCREASE FINES FOR SOIL EROSION VIOLATIONS TO \$5,000 PER DAY, EFFECTIVE IMMEDIATELY, TO BE REVIEWED BY THE TOWN ATTORNEY AT A LATER TIME.

Mr. Gantenbein also reported that an intern had agreed to work with him, in conjunction with another intern provided to UCWA, in looking at point source pollution in Big Creek, as well as perennial streams in Big Creek and in Town. The Board approved use of the intern by consensus.

7. Each member had received a copy of the Treasurer's Report for the month.

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

8. The Town Administrator reported that a letter of resignation had been received from Steve Chenoweth from the Advisory Committee for the Scholarship Endowment Fund.

Comm. Ross reported that he had asked James Tate to clean up the Conference Center; there was no objection.

VI. Old Business.

1. The Board discussed permits issued at previous meetings for use of Town right-of-way for construction activities by Old Edwards Inn on Church Street, which had expired on this date. George Mathis was present and said paving would take place next week if the weather remained good.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO EXTEND THE PERMIT UNTIL OCTOBER 4.

2. The Town Administrator, Town Engineer, and Comm. James had met with Finley Merry and reviewed a set of plans for Highgate Subdivision requested after the previous meeting. Comm. James said that Mr. Merry did not seem interested in bringing the water system up to current standards; he had not offered anything the Town was accustomed to receiving for annexation. The Town Engineer said he had discussed the subdivision with Rick Bennett, one of the interested parties in the Subdivision, and he also had the impression that the developers were not interested in providing a 100,000-gallon reservoir or replacing the two-, three-, and four-inch water lines with six-inch lines. The consensus of the Board was that the Town was not interested in a petition for annexation.

3. The Public Works Committee had met on August 23 and discussed a petition from residents of Wyanoak Road for paving the road; they had recommended that the Town consider paving the road, perhaps with several pulloffs, provided right-of-way was conveyed to the Town. The Town Administrator offered to contact the Town Attorney and see what would be required to convey right-of-way.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO PLACE PAVING OF WYANOAK ROAD IN THE CAPITAL IMPROVEMENT PLAN FOR NEXT YEAR CONTINGENT ON CONVEYANCE OF RIGHT-OF-WAY.

4. Comm. Dewolf said he and Comm. Ross had met and looked at some alternatives to the proposal to increase the size of the ABC building; he wondered if an external elevator and stairs could be installed to better use the lower level, and wanted time to pursue this idea before the next meeting.

Comm. Marsh said he felt the Board had been spinning its wheels on expanding the Town Hall, and he felt that Jeff Cox should be retained to get some ideas on the cost of expanding the building.

MOVED BY COMM. MARSH, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO ASK JEFF COX TO SEE IF HE COULD GIVE THE BOARD SOME IDEAS.

VII. New Business.

1. Comm. James said he felt the Town needed a full-time code enforcement position, especially with ETJ in the works; he did not think Larry Gantenbein could get around to it, and it was way overdue. The Board agreed to discuss this further in closed session with Mr. Gantenbein.

2. Mario Gomes was present representing Old Edwards Inn Hospitality Group with a revised subdivision plat for Satulah Village South, the former Nick's Restaurant property, originally approved on June 7, 2006;; the revision consisted of down-sizing the number of units from sixteen to fourteen. Mr. Gomes said that the reduction made better use of the land and saved more trees. Built-upon would still be less than 24%, and he also said that OEI was still planning on re-designing the intersection subject to approval by the D.O.T. and the Town.

MOVED BY COMM. ROSS, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO APPROVE THE REVISED SUBDIVISION PLAT.

3. MOVED BY COMM. MARSH, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(6) TO DISCUSS PERSONNEL MATTERS AND TO REVIEW INDIVIDUAL SALARIES. All present left the room except the Clerk, the Town Engineer, the Town Planner, and the Police Chief.

A. The Board discussed a code enforcement position with the Town Planner; he then left the meeting room.

B. The Board discussed a personnel matter in the Sanitation Department.

C. The Board reviewed in some detail the individual salary recommendations presented by the Town Administrator at the previous meetings. He, the Town Engineer, and the Police Chief were then asked to leave the room and the discussion continued. Subsequent minutes were based on notes taken by the Mayor.

THE BOARD AGREED BY CONSENSUS TO GO INTO OPEN SESSION.

4. MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO DEVELOP A JOB DESCRIPTION FOR A CODE ENFORCEMENT POSITION, AND TO ADVERTIZE FOR EITHER A TOWN EMPLOYEE OR A CONTRACT EMPLOYEE FOR THE POSITION.

5. MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND CARRIED TO APPROVE ALL OF THE INDIVIDUAL SALARY RECOMMENDATIONS PRESENTED BY THE TOWN ADMINISTRATOR, EXCEPT THAT OF THE TOWN ADMINISTRATOR. Comms. Patterson, Dewolf, James, and Ross voted "aye," and Comm. Marsh voted "nay."

6. MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO INCREASE THE SALARY OF THE TOWN ADMINISTRATOR ONE GRADE TO 26-14.

VIII. 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 10:30 p.m.

Richard Betz, Town Clerk