

REGULAR BOARD MEETING of October 3, 2007, with Mayor Pro Tem Amy Patterson and Commissioners Alan Marsh, Hank Ross, H. N. James, and Dennis DeWolf present. Mayor Don Mullen was out of Town.

Also present were Richard Betz, Lamar Nix, Bill Harrell, Bill Coward, Josh Ward, Kim Lewicki, Linsey Wisdom, Clem Patton, Nan Cummins, Jolene Niblack, Gary & Wanda Drake, John Dotson, Hillrie Quin, Bill Nellis, and others.

I. Call to Order.

The Mayor Pro Tem called the meeting to order at 7:00 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. It was noted that the Closed Session would include consultation with the Town Attorney on the Riverwalk and South Slope Subdivision litigation.

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

III. Approval of Minutes.

Copies of the minutes of the September 19 Regular Board Meeting had been distributed by mail.

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

IV. Public Comment Period.

The Mayor Pro Tem stated that this was the public comment period required by law.

Nan Cummins was present, re-iterated comments she had made at the September 5 meeting concerning paving of Hickory Hill Road, and submitted copies of a survey of area property owners concerning the proposal; she asked to be kept informed about the paving.

V. Reports.

1. The Mayor Pro Tem reminded the public that the Board would be meeting with the County Board of Commissioners at an informal dinner meeting the following night at 6:00 p.m. in Franklin to discuss solid waste and recreation.

2. Comm. Ross reported that he and Comm. DeWolf had met and reviewed benches for Main Street. They recommended alternating benches and trash cans on the planters, and proposed a four-foot black steel bench with a back, similar in appearance to the trash cans; the cost for eleven benches would be \$7,326.00. The Town Administrator reminded the Board that Mountain Findings had donated \$8,000 toward the benches.

MOVED BY COMM. JAMES, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO ORDER THE BENCHES.

3. Town Attorney Bill Coward was present but had no report for open session.

4. 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. He reported that Mountain Environmental had begun removing silt from around the lower water intake. He also noted that this was the first time in his 13 years as Town Engineer when the water level in Big Creek did not have adequate water to support the Town's needs, and water had to be pumped from lake Sequoyah.
5. Each Board member had received a copy of the Police Chief's report for the month; Chief Bill Harrell was present to review the report. He reported that the drug dog would arrive shortly.
6. Each Board member had received a copy of the Recreation Director's written report for the month; Selwyn Chalker had not been able to attend the meeting.
7. Each Board member had received a copy of the Interim Zoning Administrator's written report for the month, accompanied by minutes of the Planning Board minutes of September 10 and 24.
8. Each Board member had received a copy of the Treasurer's Report for the month.

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

9. The Town Administrator distributed copies of a job description for the new Water/Wastewater Plant Trainee which had been budgeted; applications would be reviewed at the next meeting. He also reported that John Fisher & Mitchel Sorin would be present at the next meeting to review design of the Town Hall.

VI. Old Business.

1. The Town Engineer had surveyed 97 representative utility poles, as requested at a previous meeting by Comm. James, and found that revenue on "per attachment" basis would be more than "per pole" by only 13.6% to 18.7%. Town Attorney Bill Coward said he had met with Ed Sullivan from McGavran Engineering and Comm. Marsh and discussed the contracts with Northland and Verizon. He thought the best strategy would be to adopt a more detailed Pole Attachment Ordinance rather than contracts, which would apply equally to all who attach to Town poles; McGavran had agreed for him to extract language from the contracts and revise the current Ordinance. He said that McGavran had said an audit of the system should be done; such an audit could be done in-house, but they could do it in 90 days. He could have a draft of the Ordinance in the same period of time, and he said that enforcement could be enforced through fining or, ultimately, removing cables. Comm. James thought that the Ordinance killed the idea of using McGavran; that was why their expertise had been needed, to negotiate the contracts. He felt that the Board should meet with them and find out what the cost would be to consult with the Town Attorney on the Ordinance amendment. Comm. Patterson agreed; she thought the contract with McGavran needed to be re-assessed, perhaps at a Special Meeting. The Town Administrator was asked to coordinate a meeting.

VII. New Business.

1. Hillrie Quin was present and said that the Highlands Land Trust proposed constructing a boardwalk or mulch path on the Lacy tract off Fifth Street near Highlands School and an outdoor classroom. Bill Nellis was willing to run such a trail through his tract, which he had agreed to set aside as green area as part of his Conditional Use Zoning earlier in the year.

MOVED BY COMM. ROSS, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO PERMIT THE CHANGE IN THE CONDITIONAL USE ZONING AGREEMENT.

2. Interim Town Planner Richard Betz reviewed several amendments recommended by the Planning Board, including

subdivision road standards for grade, width for one-way loop roads, and width for smaller subdivisions; "big box" buildings in B-1, B-2, and B-3; outdoor display of merchandise; and setbacks on Town Hall property. The Board discussed the amendments at some length. Comm. Ross expressed concern over the outdoor display of merchandise amendment, which would permit it adjacent to businesses provided it did not block sidewalks; he thought that the area should be limited in size. Comm. DeWolf agreed, and also pointed out that it could impact required parking. Comm. Patterson said it could also impact the 1:1 ratio and appearance standards, and also sign regulations. Comm. Marsh felt that the recommended amendment threw the Ordinance open for anything; he said he was absolutely against it. The Board agreed to take the recommendations under advisement since upcoming amendments on greenways and perennial streams would be ready for the first meeting in November.

3. MOVED BY COMM. DEWOLF, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G.S. §143-318.11(A)(6) TO DISCUSS A PERSONNEL MATTER, AND PURSUANT TO G.S. §143-318.11(A)(3) TO CONSULT WITH THE TOWN ATTORNEY. All present left the meeting room except the Town Administrator, Town Attorney, and Police Chief.

A. The Police Chief reported that Erika Olvera would be attending Basis Law Enforcement Training in October, although still working part-time. As in the past, the Town would continue benefits and pay for training, but would not pay for time spent in training.

B. The Board consulted with the Town Attorney on the Riverwalk litigation.

C. The Board consulted with the Town Attorney on the Richard Oliver South Slope Subdivision litigation.

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

VIII. MOVED BY COMM. DEWOLF AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared by the Mayor Pro Tem to be adjourned at 8:40 p.m.

Richard Betz, Town Clerk