

REGULAR BOARD MEETING of November 7, 2007, with Mayor Don Mullen and Comms. Amy Patterson, Alan Marsh, Hank Ross, and Dennis DeWolf present. Comm. H. N. James was absent due to illness.

Also present were Richard Betz, Bill Coward, Bill Harrell, Josh Ward, Kim Lewicki, Linsey Wisdom, Eric NeSmith, Larry Rogers, John Dotson, Hillrie Quin, Brian Levo, Matt Whitehead, David Wilkes, Sandra Baty, Tom & Hilda James, David & Sherry Sims, Jim Lewicki, Gary Nicholson, 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. It was noted that the Closed Session would also include discussion of acquisition of property.

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 October 17 Regular Board Meeting had been distributed by mail.

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

IV. Public Comment Period.

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

Hillrie Quin thanked Comm. Marsh and Comm. James, who would be leaving the Board on December 5, for their support of the community and the Greenways Committee.

V. Reports.

1. The Mayor recognized Commissioners-elect Larry Rogers and John "Buz" Dotson. He also displayed a plaque identifying the Town as N. C. Traffic Community of the Year from the AAA.

2. The Town Administrator reported that the Public Works Committee had met on October 31 with J. P. Johns of McGill Associates. He had been asked to provide a proposal on the cost of engineering & construction for several stormwater projects, the cost of preparing a grant application for CWMTF grants for the projects, and preparing a rough draft of a Stormwater Ordinance, impact fees, and utility tax.

3. Town Attorney Bill Coward was present and reported that he was working on the revised Pole Attachment Ordinance; he hoped to have it ready to submit to Ed Sullivan by the end of the week.

4. Town Engineer/Public Service Administrator Lamar Nix was on vacation and would provide a report next month.

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 complimented his Department on the award presented earlier in the meeting by the Mayor.
6. Each Board member had received a copy of the Recreation Director's written report for the month; Selwyn Chalker was present and reported that the Crafts Show had gone well.
7. Each Board member had received a copy of the Interim Zoning Administrator's written report for the month, accompanied by minutes of several Planning Board and Appearance Commission meetings. All of the amendments approved by the Planning Board were on the agenda later in the meeting.
8. Each Board member had received a copy of the Treasurer's Report for the month.

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

9. The Town Administrator reported that Luke Osteen had submitted a letter of resignation from the Appearance Commission and the vacancy needed to be filled.

He also distributed copies of the letter he had written to the County Board of Commissioners pursuant to the previous meeting asking that landfill tipping fees be waived for four years to defray the cost of the transfer station; the Mayor offered to call County officials concerning the status of the request.

A letter had also been received from Chris Stahl, which had apparently been drafted before receipt of the previous letter, requesting a "commitment combined with financial assurance" that the Town would invest in the commingled transfer station at Rich Gap Road; the Board agreed for the Town Administrator to contact him and reiterate what had been stated in the letter to the County, that the Town would commit to up to \$476,000 for the project.

He also reported that the resolution and other materials had been sent to Sen. John Snow for paving of Hickory Hill Road, Cullasaja Drive, and Chowan Drive; he understood that Sen. Snow had asked for D.O.T. discretionary funds for the project.

He reminded the Board that the November 21 meeting had been re-scheduled to November 14.

VI. Old Business.

1. 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, as discussed at the October 3 meeting.

Comm. Patterson expressed concern about a limit for the length of paved roads over 14% in grade, a limit on the number of lots in smaller subdivisions that had the potential for re-subdivision, and the vertical sight distance for 12-foot roads. Comm. Ross expressed concern over the lack of a limit of square footage for outdoor display of merchandise, and the phrase "immediately adjacent" in the amendment. Comm. DeWolf said he was in favor of a reasonable amount of display but felt it might be unfair to other merchants without display areas outdoors; he pointed out that 1000 SF of space could be used with no additional parking. Comm. Marsh felt that all outdoor merchandise ought to be eliminated other than for groceries and nurseries; otherwise, the Town would again be faced with an enforcement problem. Comm. Patterson felt that outdoor display of merchandise contradicted appearance standards that the Town had worked on for years; it would have an impact on the 1:1 ratio in B-1, sign regulations, and potential congestion on sidewalks as pedestrians looked at merchandise. The Mayor suggested hearing comments from the public on the proposals.

MOVED BY COMM. MARSH, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO SET

A PUBLIC HEARING FOR DECEMBER 5 TO RECEIVE COMMENTS FROM THE PUBLIC ON THE PROPOSALS.

2. Several Board members had looked at Brooks Road pursuant to a request at the previous meeting that the Town consider "assuming responsibility of upkeep and maintaining the road." The road had no right-of-way and part of it was outside of Town, but property owners present said they would be willing to dedicate right-of-way and have property annexed if required. The Town Attorney offered to look into other possible avenues for accepting the road besides annexation.

3. The Board discussed at length an agreement with Macon County providing for \$500,000 in funding for recreation. Town Attorney Bill Coward said he had modified the agreement used last year, and attached a list of facilities, staff, and programs provided by Comm. Patterson and the Recreation Director, as well as a line-item budget. The Board made several corrections and additions to the agreement.

MOVED BY COMM. ROSS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO SEND THE AGREEMENT TO THE COUNTY AS AMENDED.

4. David Wilkes was present to discuss comments at the previous meeting by the Town's auditor concerning the ABC Board's withholding of funds. He said that the Board had operated under the assumption that they had the Town's approval of a specific capital improvement account, and had never withheld distributions for any other purpose. He also asked the Board to explore the possibility of constructing an ABC building adjacent to the Old Jail on Town property. The Town Attorney was asked to review the general statutes on ABC distributions and report back at the next meeting.

5. Each Board member had received a copy of a revised contract with McGavran Engineering, prepared by the Town Attorney, as discussed at the previous meeting. The Mayor asked Comm. Marsh if it met his approval and he said it did.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO APPROVE THE AGREEMENT.

VII. New Business.

1. Interim Town Planner Richard Betz reviewed several amendments recommended by the Planning Board concerning Greenway Trails, Perennial Streams, and landscape requirements. He introduced Brian Levo and Matt Whitehead, students at UNC-Chapel Hill's Institute for the Environment, who had worked on the projects. He also recommended using a list of native species developed by Mr. Levo in several other places in the Ordinance to remove any inconsistencies.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO SET A PUBLIC HEARING FOR DECEMBER 5 TO RECEIVE COMMENTS FROM THE PUBLIC ON THE PROPOSALS.

2. Several informal bids had been received on a 2008 Jeep Wrangler for the Administration Department, a pickup truck for the Electric Department, and a Chevrolet Impala and GM Hummer for the Police Department:

2008 Jeep Wrangler Rubicon SUV	
Administration	Budget \$30,000
Edwards Auto Sales	\$28,398.00
Jim Brown	29,970.00
Egolf - Hendersonville	28,561.00

2008 Ford F-150 Pickup Truck	
Electric Department	Budget \$30,000
Edwards Auto Sales	\$17,894.00
Jim Brown - Dodge Ram	20,241.00
Egolf - Dodge Ram	18,980.00
Franklin Ford - Long Bed	17,970.00
Franklin Ford - Short Bed	17,707.00
Franklin Ford - Power Windows/locks	17,531.00
Ken Wilson Ford	17,756.00

2008 Chevrolet Impala 9C1
Police Department Budget \$85,000*

GSA - Raleigh	\$18,275.95
Smoky Mountain Chevrolet	19,880.43
Allison's Chevrolet	20,830.00

2008 GM Hummer H3 4X4 SUV 4DR
Police Department *Budget included above

Bradshaw - 2008 Model	\$29,629.00
Bradshaw - 2007 Model	29,799.00
Lou Sobh	32,340.85

The Town Administrator had opened and tabulated the bids the previous day but recommended that the Public Services Administrator and Police Chief review them.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO APPROVE THE LOW BIDS SUBJECT TO APPROVAL BY THE PUBLIC SERVICES ADMINISTRATOR AND THE POLICE CHIEF.

Only two bids had been received for a street sweeper and an electric truck, and because they were expected to exceed the informal limit of \$90,000 they would be re-advertized.

3. Each Board member had received a copy of a proposed K-9 policy for the Police Department, drafted by the Police Chief and reviewed by the Town Attorney.

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

4. Comm. Marsh congratulated John "Buz" Dotson and Larry Rogers for their election to the Board the previous day. He said that he had enjoyed serving and hoped they would, too.

5. **MOVED BY COMM. ROSS, 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 PURSUANT TO G.S. §143-318.11(A)(5) TO DISCUSS ACQUISITION OF REAL PROPERTY.** The Board adjourned to the adjoining meeting room with the Town Administrator, Town Attorney, and Gary Nicholson.

- A. The Board discussed a candidate for the Planning Director position with consultant Gary Nicholson.
- B. The Town Administrator reviewed an application for part-time employment in the Sanitation Department from

Melvin Spradlin; he said Larry Holt was short-handed due to injuries and he recommended employing him at an hourly rate equivalent to 9-1.

C. The Board discussed the acquisition of real property.

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

6. MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO EMPLOY MELVIN SPRADLIN ON A PART-TIME BASIS IN THE SANITATION DEPARTMENT AT AN HOURLY RATE OF 9-1 (\$11.13/HOUR).

VIII. MOVED BY COMM. ROSS, SECONDED 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 to be adjourned at 9:00 p.m.

Richard Betz, Town Clerk