

REGULAR BOARD MEETING of June 5, 1996, with Mayor John Cleaveland and Commissioners H. N. James, Mike McCall, Donnie Calloway, and Zeke Sossomon present. Comm. Sanders was recovering from surgery and could not be present.

Also present were Richard Betz, Lamar Nix, Shannon Baldwin, Jerry Cook, Selwyn Chalker, Louis & Virginia Reynaud, Jim Sparks, Georgia Allen, Alan Marsh, King Young, and Bill Coward.

I. Mayor Cleaveland called the Regular Board Meeting to order at 7:00 p.m.

II. The minutes of the May 15 Regular Board Meeting and the May 29 Adjourned Session Board Meeting had been distributed by mail. Each Board member had received a copy of a memo from Zoning Administrator Shannon Baldwin to Mayor Cleaveland and the Clerk dated May 17, recommending amending the minutes of the May 15 meeting as distributed. After some discussion, the Board agreed to modify the suggested amendment, replacing Paragraph A of the Closed Session at the end of the meeting with the following:

"A. The Zoning Administrator discussed the concerns of the Town Clerk brought before the Board at the May 1, 1996 meeting. The Zoning Administrator stated that he and the Town Clerk had had disagreements in the past but wouldn't call it communication problems. He also stated that changing the Organizational Chart, and having a job description for his position, would clear matters between himself and the Town Clerk. The Board agreed that disagreements were to be expected in the work place and that the Zoning Administrator, in conjunction with the Zoning Board, was to have the sole authority for administering the Zoning Ordinance."

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE FOREGOING MINUTES AS AMENDED.

III. Reports.

1. The Mayor reported that he and the Clerk had met with the Ad Hoc Recreation Steering Committee at 6:30 p.m. on June 4. He felt the meeting had been a constructive one, and said he would keep the Board informed of future meetings.

The Mayor had also recently received a copy of the Macon County FY 96-97 Budget. The budget included an eight-cent increase in the ad valorem tax rate, which he felt was excessive and hoped would be reduced. He reported that the County had included \$140,000 in funding for the Town Recreation Park, as requested, and was continuing to provide \$300,000 in matching water and sewer capital improvement funds under the 1990 agreement; the funds would continue for four more years. He said that he and the Clerk would review the budget in greater detail and report back to the Board.

The Mayor also reported that he had written a letter to Senator Bob Carpenter opposing a House Bill (HB-220) which would no longer permit amortization of non-conforming billboards.

Each Board member had received a copy of a letter to Senator Carpenter dated May 17 formally requesting the re-introduction of the Highlands Occupancy Tax Bill into the legislature, and a copy of the bill itself.

The Mayor reported that the Town would know in approximately three weeks if the bill would be adopted.

2. Public Works Director Lamar Nix reported on routine maintenance in the public works departments. The Street Department had been busy with the Spring Clean-up, as well as the installation of culverts on Satulah Road and the lower end of Second Street in preparation for contract paving. The Water Department was continuing work on the I/I repairs, and had also been working on a pump motor at Sherwood Forest, the sludge beds at the Wastewater Treatment Plant, and

assisting Stillwell Enterprises in the first stages of the US-64 water line installation. Dillard Smith had completed the line work on Moorewood Drive, and the Trimming Crew had been working in the Sassafras Knob and Moorewood Drive areas. The Electrical Crew has been installing new transformers at the Water Plant.

Mr. Nix also reported that Hope Calloway had inquired about a water and electric line easement across Lot 11 in Bittersweet Hills. The water line had been abandoned some time ago, and he did not expect that it would be placed back into service since Holt Knob was served by another line in the road; an overhead electric line was still in service. Ms. Calloway had requested that the Town grant permission for use of the easement for a septic tank drainfield for a proposed residence.

After some discussion, the Board agreed to permit use of the easement for this purpose. However, it was agreed that the electric line easement would not be abandoned; if the water line easement was required by the Health Department to be abandoned for the residence, the Town would do so through its Town Attorney and at the property owner's expense.

3. Police Chief Jerry Cook gave an oral report on Police Department activities for the month of May.

Chief Cook also reported that he had inquired about the Police Department using office space at the Peggy Crosby Community Service Center in order to provide additional room for his investigators; the cost would be \$1000 per year. He said that the Sheriff's Department now had an office in the Center, but as far as he knew the Town would not be permitted to share it. The Board agreed to take the request under advisement.

4. The Board had met informally with Recreation Director Selwyn Chalker at 6:15 p.m. prior to the meeting at the Recreation Park to look at potential sites for a picnic shelter, the playground, and potential parking. The Board agreed to construct a new 20' X 40' picnic shelter and to relocate the playground to the old tennis courts adjacent to the double outdoor basketball court. Mr. Chalker agreed to obtain updated prices from a contractor previously contacted, and to proceed with construction if prices are consistent with those previously quoted. The Clerk reported that funds had been budgeted for the picnic shelter in the FY 96-97 budget. The Board also agreed to begin clearing and stumping an area adjacent to Foreman Road for future parking at the Recreation Park.

Mr. Chalker also reported that work on the swimming pool, bath house, and new maintenance building was continuing, and was expected to be completed in approximately two weeks.

5. Zoning Administrator Shannon Baldwin had distributed copies of his written report for the month of May prior to the meeting.

He also reported that the draft Macon County Thoroughfare Plan, prepared by the D. O. T., included a proposed Highlands by-pass from First Street to Foreman Road; such a by-pass had been proposed several years ago by the D. O. T., but had never been adopted by the Town. The new Town Planning Board study presented at the May 15 meeting instead recommended a downtown by-pass using Maple Street and Oak Street. Mr. Baldwin had asked the County Planning Board to adopt the County Thoroughfare Plan contingent on the Town plan being revisited at a later date.

Mr. Baldwin also displayed photographs of seven junk cars he had located in Town. He said that there had been a TVA-sponsored towing program in 1973 in the County, but that it no longer existed; he wondered if the Board would consider organizing a towing program for junk vehicles. All of the vehicles identified were located on private property, but the owners had not yet been notified. The Mayor suggested sending a letter to the property owners asking that the junk cars be removed. Comm. Calloway said he thought one of

the vehicles in the photographs was being driven on a regular basis, and another was in the process of being restored; the Board discussed the definition of a junked vehicle. It was agreed that a copy of the junk car ordinance be sent to each Board member for review before the next meeting.

6. Copies of the Treasurer's Report for the month of May had been distributed at the beginning of the meeting.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE TREASURER'S REPORT AND THE ACCOUNTS PAYABLE FOR THE MONTH.

7. Town Attorney Bill Coward reported that the parties had agreed to a motion to continue made by the attorney for Allison Outdoor Advertising on the questions of attorneys' fees and dismissal. He said that attorney Doug Wilson with the Asheville firm of McGuire, Wood, & Bisette, who was handling this matter, would be prepared by July 8. Judge Guice could hear the case, but was not scheduled to be back in Macon County for several months, although he could hear the case in another county. The Board agreed for Mr. Coward to instruct Mr. Wilson to proceed as soon as he was prepared, and in another county if necessary.

Mr. Coward also reported that Judge Downs had still not issued a ruling on the Ed Talbot Zoning Board appeal case. In the Dillingham case, a hearing on a motion by Mountain Shore Construction to compel Dillingham Construction to produce documents had been granted, and Bob Long had filed a motion to amend the complaint, which would be heard on July 9; depositions would be scheduled in the near future.

8. The Clerk reported that the property owner at the Hilltop Grill had decided not to execute the required Revocable License Agreement for a proposed encroachment on the sidewalk.

He also reported, in reply to a question from Comm. James, that the Chamber of Commerce had taken under advisement a request to participate in funding of a contract with Smoky Mountain Property Care and Cleaning to clean the public restrooms. The restrooms were currently being cleaned by the company on a temporary basis.

IV. Old Business.

1. Public Works Director Lamar Nix reported that he had reviewed the video which had been made of the Highlands School sewer line; it revealed numerous leaks at the joints and along the top and sides. He recommended replacing the manholes that have no bottoms, and also investigating the feasibility of slip-lining the sewer lines, since it appeared to be the repair method that would cause the least disturbance. The Board agreed for him to obtain information and informal prices on slip-lining. Macon County had agreed to provide up to \$35,000 on funding for repair of this line in their FY 95-96 budget.

V. New Business.

1. King Young asked the Board about a proposed 5-K CROP walk proposed for Sunday, August 25, at 1:00 p.m. The walk was supported by all of the churches in the community to raise money for overseas food and relief supplies; each church would provide members who would walk or sponsor walkers. The proposed route was the same used for the annual Fall Festival 5-K Run, and included Main Street; Mr. Young requested permission to close the streets along the route in coordination with the Highlands Police Department. Some Board members felt that it would not be feasible to close Main Street on a Sunday afternoon, and asked if an alternate route could be found that would avoid that street. Mr. Young agreed to meet with the Police Chief and the Clerk and locate an alternate 5-K route, and with that change the Mayor pledged the Town's assistance in the event in any

way it could.

2. Each Board member had received a copy of a letter to the Mayor from the Episcopal Church of the Incarnation, describing that church's planned 100th anniversary celebration on August 16 and 17.

The celebration would involve blocking off Carolina Way, a privately-owned street, and had been approved by the merchants on that street. The Mayor again pledged the Town's assistance in the event.

3. Each Board member had received a copy of a proposed agreement for use of the Highlands Civic Center for emergency shelter in the event of a disaster, which had been prepared by the Asheville Chapter of the American Red Cross. Under the agreement, the Red Cross would reimburse the Town for any food or supplies used. Alan Marsh explained that the Civic Center would only be used in the event of overflow from the two primary shelters, the Peggy Crosby Community Service Center and the Highlands School.

MOVED BY COMM. MCCALL, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO EXECUTE THE AGREEMENT.

4. The Clerk reported that Jenny King, owner of the Highlands Whole Life Supply, had requested permission to install a bench on the Town sidewalk in front of her business on South Fourth Street. The bench would be permanently attached to the brick wall and would protrude 15" from the wall, according to a sketch submitted.

Comm. Calloway asked about the Town's policy on encroachments on the sidewalk; he felt they remained a problem. The Mayor felt that continuing to grant permission for such encroachments perpetuated the problem, and Comm. James agreed.

MOVED BY COMM. JAMES, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO DENY THE REQUEST.

5. The Board considered appointments to the Zoning Board, Planning Board, Scholarship Committee, Advisory Committee for Scholarship Endowment Fund, and Land Use Planning Committee.

The Clerk reported that Kathy Chambers, Chairman of the Advisory Committee for the Scholarship Endowment Fund, had recommended re-appointing her to a three-year term, Richard Smith to a one-year term, and Wistar Gary to a three-year term. She had also recommended appointing three new members to the Committee: Dave Cashion to a one-year term, Derek Taylor to a two-year term, and Liz View to a three-year term.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPOINT THE FOREGOING MEMBERS TO THE FOREGOING TERMS AS RECOMMENDED BY THE CHAIRMAN.

The Board took appointments to the rest of the Boards under advisement until the next meeting.

6. The Board considered a preliminary subdivision plat for Brad Bloomer, prepared by Cranston, Robertson, & Whitehurst, and reviewed by the Planning Board at their May 20 meeting. The Planning Board had recommended approving the plat, which indicated three lots on a recently-annexed tract on Satulah Mountain, and had also recommended granting a requested variance from the required 18-foot road width. The adjoining portion of Satulah Road had a 30-foot right-of-way, and it and the existing gravel road both had only a 12-foot width. No cul-de-sac was indicated, but Shannon Baldwin said that the subdivider had told the Planning Board he would provide turn-offs to compensate for the variance on road width. Water would be provided by a 2" line on Satulah Road, according to Lamar Nix, and the water line was to be installed in the shoulder of the road; the plans were to be submitted to the State Department of Environment, Health, and Natural Resources, but had not yet been approved.

Each Board member reviewed the four conditions required for granting a variance as set forth in Section 206 of the Subdivision Regulations.

Comm. Calloway noted that paragraph (D) required that the variance not be detrimental to the public health, safety, and welfare; he felt that by not providing an adequate road for emergency and other vehicles, the application did not meet that criterion. Comm. James asked about the existing overhead electric wires; Comm. Sossomon felt that the subdivider should provide an easement for those lines.

It was noted that the road had not been identified as a private road, nor the turn-outs indicated on the plat. The Clerk pointed out that the Subdivision Regulations also called for submittal and recording of an agreement providing for maintenance of private roads by a Property Owners Association.

The Board agreed by consensus to deny the request for a variance, and to request that the subdivider re-submit for approval a preliminary plat meeting all of the requirements of the Subdivision Ordinance.

7. The Board had agreed at the May 29 meeting to place a Budget Work Session on the agenda for this meeting.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO SCHEDULE A BUDGET WORK SESSION FOR JUNE 12 AT 7:00 P.M.

8. The Clerk reported that he had received a request from WLOS-TV in Asheville for mounting two antennas on the water tank on Big Bearpen to improve reception by Northland Cable TV. The Board agreed to place this matter on the June 19 agenda.

9. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO DISCUSS LEGAL AND PERSONNEL MATTERS.

A. The Board discussed with the Recreation Director and the Town Attorney a request from Lisa Sabbarth Tucci-Caselli that she be re-admitted to the Recreation Park; it agreed to deny the request.

B. The Board discussed with Jerry Cook the need for daily patrols at the Recreation Park and problems with speeding in Town. The Board also discussed Town policy concerning off-duty police officers working private security, and possible conflicts which might arise from such a practice. Chief Cook recommended that the Town consider amending the Policies and Procedures Manual to require Board approval for second jobs. Bill Coward said that in his opinion such a provision would be legal if it did not violate public policy and was a reasonable requirement of employment. The Board agreed for the Police Chief to provide a copy of the Manual to Mr. Coward, and asked him to draft such a policy.

C. The Board reviewed applications for Billing Clerk with the Town Clerk.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION.

VI. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED THAT THIS MEETING BE ADJOURNED, TO RECONVENE AT 7:00 P.M. ON JUNE 12 FOR A BUDGET WORK SESSION. Meeting was adjourned at 9:00 p.m.

Richard Betz, Town Clerk