

REGULAR BOARD MEETING of February 5, 1997, with Mayor John Cleaveland and Commissioners H. N. James, Mike McCall, Donnie Calloway, and Zeke Sossomon present.

Also present were Richard Betz, Lamar Nix, Jerry Cook, Shannon Baldwin, Bill Coward, Ralph Morris, Derek Taylor, Alan Marsh, Dr. Louis Reynaud, Dr. Virginia Reynaud, Jolene Niblack, Dr. Amy Patterson, and Georgia Allen.

I. Mayor Cleaveland called the meeting to order at 7:00 p.m.

II. The minutes of the January 22 Public Hearing and Regular Board Meeting had been distributed by mail.

MOVED BY COMM. MCCALL, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

III. Reports.

1. The Mayor reported that he had discussed a proposed Room Occupancy Tax bill for Highlands with Rep. James Carpenter. Identical to a bill which had been passed by the Senate during the last term but not by the House, the bill would provide for a 3% tax on the gross receipts from room rentals; the proceeds could be used for "law enforcement, fire protection, utilities, recreation, public works, advertising, marketing, and promotional activities." The Board agreed for the Mayor to ask Rep. Carpenter to re-introduce the legislation.

2. The Mayor reminded the Board that it had agreed earlier in the year to meet with the Scholarship Committee this winter. The Board agreed to meet with the Committee at 6:30 p.m. on March 5.

3. Comm. James and Comm. Sossomon reported that the Utilities Committee had met on January 29 and discussed sewer policies and capital projects. A meeting with the Highlands Country Club would be scheduled in the near future.

4. The Clerk reported that Victor Lofquist, representing W. K. Dickson Company, the Town's consulting engineers, would be unable to attend the meeting. He said the change order on the Water Treatment Plant project discussed at the previous meeting had still not been finalized.

5. Public Works Director Lamar Nix reported on routine maintenance in the Electric, Street, and Water departments. He also reported that Utility Supply & Equipment Corporation had picked up the Electric Department bucket truck in order to transfer and re-build the equipment on the new chassis, per the bid awarded last October; a rental unit had been delivered to be used while the work was being done.

Each Board member had received a copy of the preliminary engineering report prepared by Mr. Nix for the Main Street Utilities Improvement project, which was to be submitted to the Southwestern N. C. Planning & Economic Development Commission in order to seek a \$200,000 grant.

The total estimated cost of the project was \$411,615, and included replacing the existing sewer collection system along Main Street between Third and Fourth Streets, and placing a storm drain system along the south side of the street. The project would also require improvements for which grant money was not available, including an estimated \$138,645 for sidewalk replacement using brick, and street lighting. Shealy Electrical Wholesalers had agreed to conduct a lighting study at no cost; he expected to be able to bring the results of the study to the next Board meeting for approval.

Mr. Nix also reported that he and the Clerk had opened informal bids on stone and river sand from LBM Industries and Bryson's Grading and Trucking, Inc. earlier in the day; the low bidder on all items was Bryson's Grading.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO AWARD THE BID ON SAND AND GRAVEL TO BRYSON'S GRADING AND TRUCKING INC.

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

7. The Clerk reported that Recreation Director Selwyn Chalker was attending a Recreation Conference out of Town.

8. Each Board member had received a copy of the Zoning Administrator's written report for the month of January. Shannon Baldwin was present and reviewed the report with the Board.

9. Each Board member had received a copy of the Treasurer's Report for the month of January.

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

10. The Clerk reported that the Town had recently received a copy of a report from the Division of Water Quality which indicated that both macroinvertebrates and fish communities downstream in the Cullasaja River showed no impacts from the Town's Wastewater Treatment Plant. Copies of the report had been forwarded to the local news media.

11. The Clerk reported that he had received a copy of a proposed Mutual Aid Agreement between the Highlands Police Department and the Macon County Sheriff's Department. The agreement, drafted by County Attorney R. S. Jones Jr., had been prompted by a request from Highlands-Cashiers Hospital that Highlands police officers be permitted to respond to emergencies at the hospital. The Board agreed to take the agreement under advisement until the first meeting in March, and asked the Town Attorney to review it.

IV. Old Business.

1. Town Attorney Bill Coward reported that he had drafted a letter to the owner of Highlands Plaza requesting that a sidewalk to the new post office be installed, as requested at the January 22 Board meeting; he said he would be sending it this week.

The Mayor reported that he had received a telephone call from a Post Office official who had attending the meeting in Highlands in December. He had informed him that the Post Office's legal department had still not finalized a response to the problems with the Highlands Post Office, but had assured him they were working on it and hoped to have something soon.

2. The Board discussed a provision for placing time limits on construction, as reviewed in a letter dated January 6 from Bill Coward and distributed at the last meeting. The Mayor said that he felt a building currently being constructed on Main Street was a good example of a need for such a provision; he did not feel it was good for the Town to have construction of that kind in the center of the business district. Comm. James agreed, and felt that a construction schedule should be included when a Special Use Permit was granted. After some additional discussion, the Board asked the Town Attorney to draft a proposed amendment of the Zoning Ordinance for review.

3. Each Board member was given a copy of a letter dated January 31 from Bill Coward, suggesting some minor changes to the proposed lease agreement with Highlands-Cashiers National Public Radio Associates Inc. for a site on the Town's Upper Brushy Face water tank, as discussed at the previous meeting. The changes included a provision that the tenant's use not interfere with the Town's use of the water tower, that the Town approve any assign of the lease, that the premises be maintained, and that utilities usage be at the

tenant's expense. He had also suggested a clarification of Exhibit "A" such that no other buildings or facilities be erected on the premises. The Board discussed the lease, and agreed that, in addition to the Town Attorney's recommendations, the lease should contain a non-interference clause more specific than paragraph (5), as well as a provision for termination for cause.

4. The Clerk reported that the Parks and Recreation Trust Fund grant application, discussed at the previous meeting, had been completed. The project would now consist of removing the old multi-purpose courts completely, with the Town performing the demolition work, and constructing two new tennis courts and a new multi-purpose court, as well as a ramp for handicapped access in accordance with the Town's Americans with Disability Act Transition Plan. The total cost would be \$33,985, and the Recreation Director had reported that, of the Town's share of \$16,992.50, \$5000 had already been donated by regular seasonal tennis players.

Comm. McCall and Comm. James expressed some concerns that the tennis courts not be so completely booked by the regular seasonal tennis players that the general public is excluded from playing.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. CALLOWAY, AND UNANIMOUSLY CARRIED TO APPROVE SUBMISSION OF THE GRANT APPLICATION.

5. The Board again discussed a request by the Highlands Cable Group that the Town enter into a second franchise agreement for Cable TV service. As requested at the last meeting, the Clerk had forwarded copies of the Town's franchise agreement with Northland Communications Corporation, the Cable TV Ordinance, and a letter from James N. Horwood of Spiegel & McDiarmid detailing the process for negotiating a new franchise agreement. He also reported that he had received a proposal from a consultant with Custom Communications in Kernersville, North Carolina, to provide a complete renegotiation package at a cost of \$9500. The consultant had also told him that he could perform a study to determine if it would be economically feasible for the Town to operate a Cable TV system. He had still not received the audited financial statement from Northland.

Ninian Bond was present, and said that he would like to start the process as soon as possible. He was preparing his financial plans, and was seeking to obtain approval from both the Town and the County; he pointed out that a Request for Proposal form was already included in the Cable TV Ordinance. Comm. Sossomon said that he did not feel an RFP would be necessary, since exclusive franchise agreements were no longer permitted under the Cable TV Act. Mr. Bond agreed to submit a proposal as soon as possible. Comm. James felt that some changes might need to be made in the Town's Cable TV Ordinance, which had been written 18 years ago. Comm. Calloway asked about the additional wear on the Town's poles from new cable. The Mayor asked the Clerk to see if the County would be willing to share the cost of a consultant to analyze a proposal and prepare a franchise agreement.

V. New Business.

1. The Tax Collector presented a list of total unpaid taxes that are liens on real property, as required by §G.S.105-369(a).

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO SET JUNE 3 AS THE ADVERTISING DATE FOR UNPAID TAXES.

2. The Clerk reported that he had met with Charles Button, the new Solid Waste Coordinator for Macon County, to discuss the requirements of new Solid Waste legislation adopted last year. The legislation, Chapter 594, amended the Solid Waste Management Act of 1989, and required both the Town and the County to submit a Solid Waste Management Plan by July 1, 1997. Municipalities could submit their own plans, or participate with counties in joint plans. He understood that the County had received a proposal from McGill Associates to prepare such a Plan for the County at an estimated

fee of \$4600; if the Towns of Highlands and Franklin were included, however, the cost would be an additional \$750 each.

Comm. McCall pointed out that the Town of Highlands was located in Macon County. He felt that the County should pay the entire cost of preparing such a plan.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO PARTICIPATE IN THE MACON COUNTY SOLID WASTE MANAGEMENT PLAN, PROVIDED THERE IS NO COST TO THE TOWN.

3. Each Board member had received with the agenda package, as requested at the previous meeting, a copy of the proposed Land Use Plan survey prepared by the Land Use Planning Committee. Comm. McCall felt that the question identified as "Issue I" in the Property Survey for out-of-town residents—managing growth outside the Town limits—should also be included with the Merchants Survey and the Residential Property Survey. Alan Marsh was present, and he agreed with Comm. McCall. Comm. James asked why a special section should be devoted to the merchants. The Mayor felt that the question on the Town Manager was a political decision, and had nothing to do with land use planning; Comm. Calloway agreed. Comm. James pointed out that the question was not telling the whole story; he said there was not much of a difference between an Administrator and a Manager, except for the power to hire and fire. Dr. Louis Reynaud was present, and felt that it would be interesting to ask merchants whether they would prefer to be located on Main Street or not. The consensus of the Board was to include the question about managing growth outside the Town limits on all three surveys, to delete the question about the Town Manager, and to include the question raised by Dr. Reynaud.

MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE SURVEY WITH THOSE CHANGES.

4. James Watts, who had purchased Tom James's Auto Repair Shop just outside the Town limits on the Walhalla Road, had requested that the Town provide garbage collection for his business. The Board agreed not to provide this service.

5. Derek Taylor was present representing the Highlands Chamber of Commerce. He said that he had been on the Planning Board's Aesthetics/Beautification Committee last year, and it had been suggested at that time that large signs be erected at the Town limits on each of the four highways for civic organizations and churches. He displayed a drawing of a proposed ground sign, and said that the Chamber of Commerce had agreed to pay the cost. It was pointed out that the Zoning Ordinance might need to be amended to permit and define this type of sign, as well as to regulate the civic and religious signs which were currently exempt from sign regulations. Comm. James felt that the Town did not need any of these types of sign. After some additional discussion, the Board agreed for the Planning Board to review the proposal, coordinating plans with the Town Engineer and the Zoning Administrator.

6. The Clerk reported that he had prepared a Request for Proposal for a Lake Study for Lake Sequoyah, based on parameters provided by the Public Water Supply Section in a Study Plan prepared late last year. The study was one of the final steps in the re-classification of the Lake as a public drinking water supply reservoir. The PWS Section had agreed to conduct the Watershed Survey also required for re-classification, but had asked the Town to conduct the Lake Study. The Study would involve sampling of approximately 75 chemicals between April and November in accordance with State physical and chemical monitoring standards. He said that the Raleigh office was currently reviewing the draft of the RFP, and he suggested that informal proposals be received at the Board's March 5 meeting. The Board agreed to proceed with requests for proposals.

7. Shannon Baldwin reported that the Planning Board had requested

that the Land Use Surveys, discussed earlier in the meeting, not be accepted unless signed by the respondents. He also suggested that respondents provide their "911" addresses, if known. The Board agreed not to accept unsigned surveys.

8. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION TO DISCUSS PERSONNEL MATTERS AND A LEGAL MATTER.

- a. Shannon Baldwin discussed a personnel matter with the Board.
- b. Police Chief Jerry Cook reviewed a possible criminal investigation with the Board.
- c. Police Chief Jerry Cook reported that part-time officer Dwayne Thomas had been working since September and was very reliable; he asked the Board to employ him full-time at the beginning salary for police officers.
- d. Public Works Director Lamar Nix discussed proposed salary increases for Wade Wilson and Jimmy Mull with the Board, as well as formal appointment of Mr. Wilson as Superintendent of the Water Plant; as requested at the previous meeting, salary information had been provided by the Clerk.
- e. Bill Coward discussed the Dillingham/Mountain Shore litigation with the Board.

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

9. MOVED BY COMM. MCCALL, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO EMPLOY DWAYNE THOMAS FULL-TIME IN THE POLICE DEPARTMENT AT AN ANNUAL SALARY OF \$14,747 EFFECTIVE THE NEXT PAY PERIOD.

10. MOVED BY COMM. CALLOWAY, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO APPOINT WADE WILSON SUPERINTENDENT OF THE WATER PLANT, AND INCREASE HIS ANNUAL SALARY TO \$24,000 EFFECTIVE THE NEXT PAY PERIOD; AND TO TRANSFER JIMMY MULL TO THE WATER PLANT, AND INCREASE HIS ANNUAL SALARY TO \$15,000 EFFECTIVE THE NEXT PAY PERIOD.

VI. Meeting was adjourned by common consent at approximately 8:45 p.m.

Richard Betz, Town Clerk