

REGULAR BOARD MEETING of January 6, 1999, with Mayor Buck Trott and Commissioners Mike McCall, Zeke Sossomon, and Amy Patterson present.

Also present were Richard Betz, Lamar Nix, Selwyn Chalker, Jerry Cook, Kim LeWicki, James Tate, Eric Pierson, Steve & Brenda Pierson, Alan Marsh, Chuck Cooper, Susan Rabold, and Ann Goldman.

I. Call to Order.

Mayor Trott called the meeting to order at 7:00 p.m. The Clerk reported that Comm. James had told him he would not be present due to illness.

II. Approval of Agenda.

The Clerk asked that one item of new business—approval of the Highlands Fire & Rescue Department's Annual Report—be added to the agenda.

MOVED BY COMM. MCCALL, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

III. Approval of Minutes.

The minutes of the December 16 Regular Board Meeting had been distributed by mail. The Clerk reported that Comm. James had noted two corrections:

- Under Reports, Item No. 7, change "he felt" to "the Board agreed."
- Under New Business, Item No. 3, change "ask the nominee with the most votes to serve" to "discuss the nominees in the order of the most votes."

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS CORRECTED.

IV. Reports.

1. The Mayor reported that he had scheduled a joint meeting between the new County Board of Commissioners and the Town Board for 6:30 p.m. on January 18 at the Summit Inn in Franklin.

2. The Clerk reported that he had spoken to Town Attorney Bill Coward yesterday. He understood that no decision had been made to date on the Episcopal Church appeal. He also reported that Mr. Coward had prepared a revised right-of-way agreement for Steve Pierson to sign for the Bowery Road water line, and had forwarded it to Mr. Pierson earlier in the day.

3. Each Board member had received a copy of the Town Engineer/Public Services Administrator's written report for the month. Lamar Nix also reported that D & D Environmental had chosen not to operate the laboratory at the Wastewater Treatment Plant; he had arranged for Environmental Maintenance Systems in Cullowhee to perform these services for the Town.

4. Each Board member had received a copy of the Police Department's written report for the month. Police Chief Jerry Cook was present, and explained to the Board that he wished to dispose of several old hand guns owned by the Department which became obsolete several years ago when they were replaced by 9mm automatics. He asked for permission to sell them to law enforcement officers, or, alternatively, to donate them to Southwestern Community College; a record of each sale would be maintained by the Clerk.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO AUTHORIZE THE POLICE CHIEF TO EITHER SELL THE HAND GUNS

TO LAW ENFORCEMENT OFFICERS, OR DONATE THEM TO SOUTHWESTERN COMMUNITY COLLEGE.

The Mayor also asked about the Highlands Police Department directing traffic during a recent accident in the Cullasaja Gorge. The Board agreed that Sheriff Holbrooks should be made aware that this is a responsibility of the County Sheriff's Department.

5. Each Board member had received a copy of the Recreation Director's written report for the month. Selwyn Chalker also reported that the boiler was operating well during the recent low temperatures, and that the ice rink was in operation. He also reported that the older treadmill was no longer working and needed to be replaced; he had received an anonymous donation of \$4000 recently, the approximate cost of a replacement.

MOVED BY COMM. MCCALL, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE PURCHASE OF A NEW TREADMILL, USING THE \$4000 DONATION AND UP TO \$1000 IN CONTINGENCY FUNDS IN THE RECREATION DEPARTMENT BUDGET.

The Board also further discussed the front desk position; Mr. Chalker has provided information in his report indicating that the cost of a full-time employee at an hourly wage of \$6.80 would be only slightly more than the cost of covering the desk with part-time employees—\$316 plus benefits, rather than \$298. Comm. Patterson reported that the Recreation Committee had discussed this position, and agreed that there was an advantage in having a reliable full-time person on the front desk.

MOVED BY COMM. MCCALL, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE A FULL-TIME POSITION FOR THE FRONT DESK AT AN HOURLY WAGE OF \$6.80 (GRADE 5, STEP 1).

Mr. Chalker also reported that he would be meeting with Town Attorney Bill Coward tomorrow to discuss the Department's Waiver of Liability form.

6. Each Board member had received a copy of the Town Planner/ Zoning Administrator's written report for the month. Part of the report referred to the approval of a preliminary subdivision plat for Steve Pierson at the Planning Board's last regular meeting, as well as a motion by that Board "not to approve any future subdivision requests that would be accessed by the Bowery Road until improvements are made to the road to make it safer."

Brenda Pierson was present and said that she thought the action amounted to a moratorium on development in the area; she did not feel the Planning Board had the authority to make such a decision.

Questioned by Comm. McCall, Planning Board Chairman James Tate said that, while he had voted against the motion, he understood that the majority of the Board had a concern over the danger of Bowery Road.

Comm. McCall said that he agreed that the Planning Board could not make such a decision.

Comm. Patterson pointed out that the Planning Board was an advisory Board; whether a subdivision was approved or not by the Planning Board, it would ultimately come to the Town Board for approval.

Ms. Pierson pointed out that the Planning Board was an appointed Board; she felt the Town Board should tell the Planning Board to read their own guidelines.

The Mayor pointed out that, while the Town Board appointed the Planning Board, it did not coerce them into making decisions.

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

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY

CARRIED TO ACCEPT THE TREASURER'S REPORT.

8. Each Board member had received a copy of the Town Administrator's written report for the month. Richard Betz reported that he had written to Highlands-Cashiers Hospital, as requested by the Board at the December 16 meeting, confirming the Board's understanding that the 55,000 GPD flow acceptance limit for the Hospital/Chestnut Hill was based on design flow.

He also reported that he had received a copy of a memo from Joel Setzer to Dan Martin dated December 21, indicating that the paving of Bowery Road was being considered. He had also received a letter from Dan Martin dated December 30 indicating that the D. O. T. was considering making an exception to its policy of not posting unpaved roads, and would be conducting a speed zone survey of Bowery Road.

He also reported that Geoffrey Willett had reviewed the tax maps, as requested at the December 16 meeting, and identified the portions of those areas identified by the Land Use Planning Committee that would qualify for annexation under the legislative tests. That information would be forwarded to W. K. Dickson Company so that a revised estimate can be prepared, including an update of the water and sewer supply and demand within Town.

He also reported that he had discussed the reclassification of Lake Sequoyah with Harold Saylor of the Public Water Supply Section that morning; Mr. Saylor had indicated that all of the information looked favorable, and that he expected to compile his report within a month or two.

Finally, the Town Administrator reported that he had requested informal proposals on Town automotive, property, and liability insurance, and asked to meet with the Finance Committee to review the results; it appeared that several thousand dollars could be saved by consolidating coverage. Comm. Patterson said she could meet on January 19, and the Clerk agreed to confirm the date with Comm. James.

V. Old Business.

1. The Clerk reviewed several additions to the Master Sidewalk Plan, as recommended by the Land Use Planning Committee at the August 19 meeting. They were as follows:

- South side of Spring Street between First and Third Street.
- Oak Street from First to Third Street.
- South side of Church Street from Fourth to Fifth Street.
- West side of First Street from Main Street to Log Cabin Road.
- South side of Pierson Drive from Highlands School to new parking lot.
- South side of Highway 64 from First Street to Holt Knob Road.
- North side of Smallwood Avenue from Fifth Street to Leonard Road.
- West side of Leonard Road from Smallwood Avenue to Main Street.
- South side of Main Street from Leonard Road to Fifth Street.
- East side of First Street from Main Street to Oak Street.
- Raised sidewalk on west side of Fifth Street from Oak Street to Pine Street.

Comm. Sossomon reminded the Board that it had agreed the sidewalk along Pierson Drive was the responsibility of the Macon County School

Board.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADD THE FOREGOING SIDEWALKS TO THE TOWN OF HIGHLANDS MASTER SIDEWALK PLAN, EFFECTIVE IMMEDIATELY.

VI. New Business.

1. Susan Rabold, Market Manager for MetroSite Management, LLC, had been asked to meet with the Board and outline the services her company offered to municipalities, as discussed at the previous meeting. She explained that the purpose of her company was to help local governments understand the Telecommunications Act of 1996, to reduce the number of towers by encouraging co-location, to conduct an inventory identifying municipally-owned sites, and to market sites and generate revenues for the Town from its assets; the Town would make the final decision on which sites it wished to market. MetroSite could also help the Town develop guidelines which would make towers more compatible in appearance—including the authority to regulate height—and negotiate lease agreements and manage the sites in order to generate fair market rates. Assistance would also be provided in amending the Zoning Ordinance if needed in order to bring it into compliance with the Telecommunications Act of 1996. The Town Administrator added that he had spoken to Richard Ducker at the Institute of Government recently, and had been told that the Town's current Ordinance needed to be updated.

Ms. Rabold said that MetroSite was sponsored by both the League of Municipalities and the North Carolina Association of County Commissioners, and was working toward agreements with Region A and the Land-Of-Sky Region. There would be no initial cost to the Town for the services provided, but MetroSite would share the revenues generated for each lease signed; a maximum of 33% was the current share, but that could be reduced to 21% depending upon the market. 2% would go to the League of Municipalities, and 1% to Region A if an agreement was reached.

The Mayor asked about litigation across the State concerning towers. Ms. Rabold said that the Town could legally deny a request for a tower only if it lays out the ground rules and can demonstrate that the telecommunications company does not meet those guidelines. Under the 1996 Act, the Town cannot "zone out" providers. Under their federal franchises, nine companies shared this market area, and they were required to provide complete coverage. Telecommunications companies were not pre-empted as utilities, however; they could be regulated as land uses. It was therefore important to take a proactive approach in preparing for upcoming requests for sites.

The Town Administrator reported that an official request had already been received from Highlands Cable Group to place three antennas on the new tower which the Town was preparing to erect on Big Bearpen Mountain.

Comm. Sossomon asked if the Board could impose a moratorium while it was reasonably debating the question, and Ms. Rabold said it could. Comm. Patterson agreed that the Town should consider a moratorium while it was studying the issue.

The Mayor thanked Ms. Rabold for her presentation, and said the Town would be in contact with her in the future.

2. Chuck Cooper was present, and reviewed his request made at the previous meeting for a translator on the Town's Upper Brushy Face water tank; he reminded the Board of his February 2 deadline for construction of the antenna under his FCC permit. He distributed revised copies of a lease agreement, correcting typographical errors, and said that it was identical to the Town's lease with the Highlands-Cashiers National Public Radio Association, including the annual rent of \$100 and the 10-year term; he felt that WHLC offered a better service than the NPR station, as exemplified by the school

closing due to snow announced that morning. The Clerk pointed out that the lease had not been reviewed by the Town Attorney. Mr. Cooper reiterated that the antenna would be on the back side of the water tank, and would provide a 4-watt signal to Clear Creek on an FM frequency of 103.7; the main transmitter atop Big Bearpen was a 245-watt signal. Asked by the Mayor how far beyond Clear Creek the signal would carry, he said not much.

Comm. McCall was concerned over the ten-year term, in light of the Board's recent discussions concerning a fair rent. He said he would not object to the \$100 annual rent for a term of one year, after which time Mr. Cooper should understand that the rates might be increased.

Steve Pierson asked if the antenna would be removed if the lease was not renewed after the one-year term. Mr. Cooper said the lease contained such a provision; however, he could not identify it in the copy he had distributed to the Board, and he offered to add such a provision.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE LEASE FOR A TERM OF ONE YEAR AT AN ANNUAL RENT OF \$100, SUBJECT TO REVIEW BY THE TOWN ATTORNEY.

The Clerk offered to forward the lease to the Town Attorney and request his review by the next meeting.

3. Each Board member had received a copy of the Highlands Fire and Rescue Department's Annual Report for 1998. Fire Chief Mike McCall noted that the report contained a recommendation that the Board consider a full-time administrative position for the Fire Department in the next fiscal year, since Bob Houston was planning to retire later in the year.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE REPORT.

VII. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:00 p.m.

Richard Betz, Town Clerk