

REGULAR BOARD MEETING of March 17, 1999, with Mayor Buck Trott and Commissioners Mike McCall, H. N. James, Ron Sanders, Amy Patterson, and Zeke Sossomon present.

Also present were Richard Betz, Eddie Madden, Kim LeWicki, Steve & Brenda Pierson, Alan Marsh, Sherry Kremser, Dave Jellison, Larry Rogers, Bill Hawkins, Laurie Dorris, Ran Shaffner, Derek Taylor, Charlie McDowell, and others.

I. Call to Order.

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

II. Approval of Agenda.

The Clerk reported that the petition for re-zoning from Buddy and Sherry Kremser had not been heard by the Planning Board at their March 15 Called Meeting; he suggested that it be removed from Old Business.

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

III. Approval of Minutes.

The minutes of the March 3 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that he had been working with the Department on Aging and the Highlands-Cashiers Hospital to provide home-delivery meals in the area; the program was operating successfully, and he commended the many volunteers who were making it possible.

2. Each Board member had received a copy of the Town Administrator's written report. Richard Betz reported that the Town had received the NPDES permit for its Wastewater Treatment Plant on March 11; the permit will expire on October 31, 2002.

A third bid—\$34,856—had been received on March 12 from Haynes Electric Utility Corporation for the Main Street electrical work, approved at the March 3 meeting; since this was the low bid, the contract had been executed, and work was scheduled to begin on March 22. Town Attorney Bill Coward had reported that the Edwards et. al. v. Town of Highlands case was on the court calendar for the week of April 12. Mark Crowther, the attorney representing the Town's insurance company in the Hammitt v. Town of Highlands claim involving an accident in December of 1994 had reported that that case was also on the calendar. Reuben Moore, D. O. T. Division Traffic Engineer, had informed the Town that a speed zone investigation had been conducted on Bowery Road and the D. O. T. concurred with the 20 mph speed zone; a concurring Ordinance was being prepared.

Mr. Betz also reported that the D. O. T. had finished staking the right-of-way of Bowery Road, including the centerline and the limits of construction, and they had forwarded the standard right-of-way agreements to the Town for assistance in having them signed. He had drafted a cover letter, which the Board reviewed, reiterating Board support for the project and offering to show property owners where the proposed road will be located.

V. Old Business.

1. The Board again reviewed the "Assumed Risks," "Waiver of Claims of Release from Liability," and "Medical Authorization for Treatment" forms prepared by the Town Attorney for the Recreation Park, as discussed at the March 3 meeting. It was agreed that these forms should be mandatory for participation in all programs. Comm. Patterson asked about the 30-day cancellation policy on the "Waiver of Claims" form; the Board agreed to defer approval until the next meeting when the Recreation Director could be present to answer questions about that policy.

2. The Board discussed in some detail a draft that the Town Administrator had prepared and mailed with the agenda package of the proposed Zoning Ordinance amendments establishing a B-2A district, pursuant to the work session held on February 24.

Charlie McDowell was present to object to zoning property on Fifth Street from R-2 to B-4, but it was explained that such a proposal was not currently under consideration.

Comm. Patterson was concerned about the provision in the draft that "all off-street parking . . . be located such that vehicles parked therein are not visible from Spring Street." She felt that it was not reasonable to require that vehicles be entirely invisible. Comm. Sossomon suggested that the provision be re-worded to simply require parking behind the buildings.

The Board then discussed the provision requiring that the "primary pedestrian entrance . . . face and . . . be accessible from Spring Street." Comm. Patterson suggested re-wording the sentence to read "a main entrance." Town Planner Eddie Madden said that the goal of the Land Use Committee had been to require that development in this district mirror Main Street, with buildings pushed to the front and parking in the rear; each situation was different, however, and would have to be dealt with on a case by case basis. Comm. McCall said that none of the land on Spring Street looked like Main Street; he thought variances would be needed in most cases. Comm. James agreed; he felt that the Board would be creating a situation where the Zoning Board would be legislating through variances. He said he had a problem with almost all of the proposals. While he had no problem with eliminating the side setbacks, he felt it would be a mistake to eliminate the 25-foot setback from the alleys; that area might be needed someday, he pointed out.

Charlie McDowell was present, and said that parking in the rear of buildings might be a safety hazard; he said he would be reluctant to park there after dark, and he pointed out that people don't normally look for a place to park behind a building.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO TABLE CONSIDERATION OF THE PROPOSED AMENDMENTS. The Town Administrator sought clarification of the motion, and was advised that all of the amendments of the zoning map were also to be tabled, but that the proposed Appendix C—the color/materials standards—was to be placed on the agenda of the April 7 meeting.

## VI. New Business.

1. The Board discussed a Feasibility Study for US-64/NC-28 from Franklin to Highlands, No. R-3623, prepared by the Program Development Branch of the D. O. T., as discussed at the March 3 meeting. The Mayor reported that County Commissioner Chairman Harold Corbin was planning to hold a public meeting on the study in Franklin in May; he suggested that the Board go on record supporting Alternate No. 4, which consisted of \$27 million in improvements on Buck Creek Road and \$26.7 million on US-64. Comm. James felt that, if the project was separated into two phases, with the Buck Creek improvements one year, the US-64 improvements should take place the following year in the T.I.P. program. Comm. McCall felt the Town should also go on record asking the County Commissioners to support

the re-surfacing of US-64 between Highlands and Franklin as soon as possible.

MOVED BY COMM. MCCALL, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO GO ON RECORD IN SUPPORT OF ALTERNATE NO. 4 IN THE FEASIBILITY STUDY, WITH THE IMPROVEMENTS TO BUCK CREEK AND US-64 TO TAKE PLACE IN CONSECUTIVE YEARS, AND ALSO TO REQUEST THE RE-SURFACING OF US-64 AS SOON AS POSSIBLE.

2. Each Board member had received a copy of a letter dated March 3 from Comm. Sossomon, resigning from the Macon County Planning Board. The Mayor said that he appreciated the work that Comm. Sossomon had done on the Board.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO REQUEST THE COUNTY COMMISSIONERS TO APPOINT MIKE CAVENDER TO THE PLANNING BOARD.

3. Each Board member had received a copy of a letter dated March 8 from Eddie Madden, dissolving his employment with the Town. The Mayor said that he had been very upset to learn that Mr. Madden was leaving; he thanked him and commended him for his excellent work over the past two years.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ACCEPT THE RESIGNATION WITH REGRET, TO WISH MR. MADDEN WELL, AND TO ADVERTIZE THE POSITION.

4. The Mayor opened the following informal bids on one Model 503-L Galion motor grader, ca. 1971—minimum bid of \$2500—and one 1988 Ford F-250 pickup truck—minimum bid of \$1500—which had been advertized for sale, as approved at the previous meeting:

| <u>Bidder</u>                    | <u>Pickup Truck</u> | <u>Motor Grader</u> |
|----------------------------------|---------------------|---------------------|
| James H. Keener                  | \$1,680             | \$3,280             |
| Shane McConnell                  | 1,550               | 3,000               |
| Linda Nicholson                  | 1,701               | 3,101               |
| Bill Hawkins                     | -                   | <b>3,700</b>        |
| John Brown                       | 2,075               | 3,100               |
| Rogers & Rogers Construction Co. | 1,750               | 3,050               |
| Edwin Madden                     | <b>2,653</b>        | -                   |
| James Tire & Auto Service        | 2,013               | -                   |
| Chad Pannabecker                 | 2,125               | -                   |

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO SELL THE VEHICLES TO THE HIGH BIDDERS, BILL HAWKINS AND EDWIN MADDEN.

5. Comm. McCall reported on the upcoming implementation of a County fire district tax. Each Fire Department in the County had been requested to prepare an operating budget for the coming fiscal year; the tax would be based on the assessed valuation in each district. The Highlands Fire Department's district would consist of the entire township, but a decision would need to be made whether or not to impose the tax on residents living inside the Town. Comm. McCall asked to meet with the Treasurer and Finance Committee to review the budget. Comm. Patterson asked that the Committee be provided not only with the proposed budget, but also with information on the Department's assets, the contribution to the Department from the Town over the past few years, and a projected 5-year capital improvement plan. The Committee agreed to meet at 1:00 p.m. on Wednesday, March 31, in the Treasurer's office in the Town Hall.

6. Each Board member had received with the agenda package a proposed amendment of the Highlands Code regulating the transportation of solid waste, as discussed at the March 3 meeting; it had been drafted by the Town Administrator based on the Buncombe County Ordinance. A revision of wording requiring solid waste to be "covered completely and securely" was suggested by Comm. Sossomon, and the Board agreed to amend the sentence accordingly.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO ADOPT THE FOLLOWING AMENDMENT TO SECTION 12-14 OF THE HIGHLANDS CODE, EFFECTIVE IMMEDIATELY:

Renumber Existing Section 12-14 paragraph (a), and add the following:

- "(b) No solid waste shall be transported except in conformance with this section. The vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be completely and securely covered to prevent materials from blowing out of the vehicle. Materials spilled by the hauler shall be picked up immediately by the hauler and returned to the vehicle or container, and the area properly cleaned."
- (c) This section shall not prevent the use of a private car or truck in transporting properly contained wastes to a landfill or transfer station, provided the hauler ensures that the solid wastes will be covered during transportation and that no spillage or leakage occurs."

7. The Mayor reported that the Millennium Committee, which the Board had authorized him to appoint last August, had met several times and had agreed on a construction project as part of its recommendations to the Town. Derek Taylor, Chairman of the Committee, presented a drawing, budget, and explanatory letters from Dennis DeWolf and Ran Shaffner concerning a proposed clock/bell tower to be constructed in the middle of Main Street. The tower would incorporate a new or refurbished clock and the original bell from the old schoolhouse, which Mr. Shaffner had located at a camp in Brevard. The plan included a crosswalk passing through the tower to a new planter opposite the existing planter on the south side of Main Street at the old Galax Theater; four parking spaces would be eliminated. Mr. Taylor asked the Board to consider underwriting the cost of the project—estimated at \$52,464—but proposed raising funds in the community to offset the cost; the Rotary Club had already committed \$15,000 over three years.

COMM SANDERS MADE A MOTION, SECONDED BY COMM. PATTERSON, to consider funding the project. In discussion, Eddie Madden pointed out that the project would have to be reviewed by the Appearance Commission, and that D. O. T. permits would be required as well. Comm. James said he would like to have time to review the plan, and would also like to have the Appearance Commission review it; he asked that it be placed on the agenda of their next meeting on March 22. Comm. Sanders agreed to defer action on his motion until the Appearance Commission had reviewed the plan, and the Board agreed by consensus to call a Special Meeting for 1:00 p.m. on March 23 to consider the proposal again.

8. The Town Administrator said that he had met with Laurie Dorris, a partner in Earthworks Recycling, after she had appeared at the Special Meeting of February 24. Ms. Dorris proposed operating a business in Highlands that would consist of collecting recyclable solid waste for a fee from interested residences and businesses on a voluntary basis. The probable fee would be \$30 monthly. The Board did not object to the proposal, and asked her to obtain a business license.

9. The Board considered a proposed amendment of the Personnel Manual clarifying the policy on pay increases and establishing a scale based on longevity. The Board discussed the policy at some length; Comm. Patterson felt that adoption of the policy would make pay increases less prone to being arbitrary.

MOVED BY COMM. MCCALL, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE THE AMENDMENT, AS FOLLOWS:

1. Add the following new paragraph (C) to Section 16:

"(c) Step increases will not be approved more frequently than once each year in conjunction with preparation and adoption of the new budget. However, the Board may specify at such time that certain step increases will become effective later in the budget year, such as upon completion of the required probationary period or upon obtaining certification or other special qualifications. In general, the Board of Commissioners will approve step increases for employees based on the following policy:

(1) Completion of probationary period. An employee who was employed at a salary of Step 1, and who has successfully completed the prescribed probationary period, shall receive an automatic promotion of one-half step, in accordance with Section 38 of this Personnel Manual.

(2) Special qualifications. An employee who has obtained certification or completed special training related to his position shall be eligible to receive a promotion of at least one-half step, provided his work is satisfactory.

(3) Longevity. An employee shall be eligible to receive the following increases in pay based on longevity:

After completion of probationary period - one-half step.  
After 2 years continuous service - one-half step.  
After 5 years continuous service - one-half step.  
After 10 years continuous service - one-half step.  
After 15 years continuous service - one-half step.  
After 20 years continuous service - one-half step.  
After 25 years continuous service - one-half step.  
After 30 years continuous service - one-half step.

(4) Salaries established at sole discretion of the Board. Nothing in this policy shall be construed as preventing the Board of Commissioners from granting an increase in pay to reward an employee for especially meritorious service. Similarly, nothing in this policy shall be construed as obligating the Board of Commissioners to grant an increase in pay to an employee whose work has not been satisfactory, notwithstanding eligibility for such an increase due to special qualifications or longevity."

2. Amend Section 19, paragraph (a) to the following:  
"(a) Promotion: An employee who is promoted shall receive a minimum increase of one-half step."

3. Delete from Section 38 the words "a five percent (5%) probationary pay increase" and replace with "an automatic promotion of one-half step."

4. In every applicable section of the Personnel Manual and Salary Schedule, including the foregoing, change the terminology "one-half step" to "one step," creating 15 "steps" instead of 15 "half-steps."

10. Sherry Kremser was present, and stated that there had been a miscommunication between her and Eddie Madden concerning the special meeting of the Planning Board scheduled for March 15; she said she had not been aware that she was supposed to be there. She asked the Board if it would be possible to hear her petition for re-zoning at the special meeting it had called earlier in the meeting for 1:00

p.m. on March 23.

Eddie Madden said that he had informed Ms. Kremser about the meeting, and he shared with the Board notes that he had taken documenting their conversation.

Comm. James was concerned about a petition for re-zoning being considered while others were still pending, and about it not being part of the comprehensive proposal submitted by the Land Use Planning Committee. He felt it bordered on spot zoning.

After some discussion, the Board agreed to consider Ms. Kremser's petition for re-zoning at the March 23 special meeting.

VII. There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 9:06 p.m.

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Richard Betz, Town Clerk