

REGULAR BOARD MEETING of April 10, 2002, with Mayor Buck Trott and Commissioners H. N. James, Ron Sanders, Mike Cavender, Amy Patterson, and Hank Ross present.

Also present were Richard Betz, Lamar Nix, Jerry Cook, Selwyn Chalker, Larry Gantenbein, Kim Lewicki, Steve Pierson, Eric Pierson, Bob Wright, Wendell Underwood, Alan Marsh, Lewis Doggett, and Allan Bryson.

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. The Clerk requested that Item No. 7 under New Business be deferred until the next meeting, and that a personnel matter involving Parking Enforcement Officer Scott Nelson be discussed in Closed Session.

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

III. Approval of Minutes.

Copies of the minutes of the March 20 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that he had attended the Southwestern Commission's Region A meeting on April 1. The topic of discussion had been the State budget crisis; with the deficit now approaching \$2.1 billion, the forecast was not good and was probably going to get worse. The budget crisis would also be discussed at Town Hall Meeting Day in Raleigh on June 10.

The Mayor also reported that he had been subpoenaed as a witness in an action by the Macon County Health Department against a property owner on the Dillard Road for a continuing septic tank problem; the property owner had been sentenced to a jail term, but it had been suspended until June 24 pending correction of the problem by connecting to the Town sewer.

2. Each Board member had received the Public Services Administrator's written report for the month. Lamar Nix was present and reviewed the report, adding that the Bowery Road Water Project was nearing completion. He also said that he had met with Ray McCall with the Public Water Supply Section and had received DENR approval for the Sagee Woods water line, discussed at the previous meetings. On the advice of the Institute of Government, informal bids had been solicited for this project, and Stillwell Enterprises had submitted the low bid of \$78,930. He also reported that Mr. McCall would be meeting with Town officials, Kurt Wright, and a representative from CITI Industries on April 16 to discuss upgrade of the SCADA system at the Water Treatment Plant and compliance with new regulations.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO ACCEPT THE LOW BID OF \$78,930 FROM STILLWELL ENTERPRISES FOR THE SAGEE WOODS WATER LINE.

3. Each Board member had received a copy of the Police Chief's report for the month. It was reported that the new bicycle had been received.

4. Each Board member had received a copy of the Recreation Director's report for the month. Selwyn Chalker was present and reviewed the report. He said that it had now been definitely determined that the old library building could be moved to the Prince property without crossing the Recreation Park property. Comm. James asked if an easement had been prepared to enable the Town to access the parking spaces located on Park property; the Town Administrator agreed to prepare such an easement. Mr. Chalker also asked for permission to employ Ruth Ann Edwards as Rec Camp Director.

MOVED BY COMM. SANDERS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO EMPLOY RUTH ANNE EDWARDS AS CAMP DIRECTOR.

He also reported that part of the Tennis Court work had been done, and the remainder was awaiting warmer weather.

5. Each Board member had received a copy of the Zoning Administrator's report for the month. Larry Gantenbein was present and reviewed the report with the Board. He reported that the Zoning Board had met last night and approved applications for a variance for Reeves Hardware for a structure south of Church Street, the re-establishing of the soda fountain for Self Med RX in the old Blue Ridge Pharmacy building on Main Street, and a retail/office building on Church Street for Old Edwards Inn where the old Condiment Shop had been located.

He also said that the Board had discussed the Highlands Country Club case, and he had informed them that he would not be able to make any hard decisions until a certified plat had been received showing the footprints of all buildings and "built-upon" areas, including areas inside and outside of Town. He said he hoped the Country Club would agree to voluntary annexation of portions outside of Town. He understood that Comm. James had suggested the formation of a Committee to discuss these issues, and the Zoning Board had agreed that would be a good idea. The Mayor said that the Club's President had also called him and indicated he wanted to set up a meeting with Town officials.

He also reported that he had investigated problems with a remodel in process at 474 North Fourth Street, and was working on a Stop Work order pending documentation that either the building was not non-conforming or that repairs had amounted to no more than 50% of the value; he had requested submission of a certified survey to determine if it was non-conforming.

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

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

7. Each Board member had received a copy of the Town Administrator's written report for the month. The report indicated that the Town had installed a new Business License program, effective this year, which provided better data and more efficient billing; businesses in Town should be receiving their notices shortly. He also provided copies of letters dated March 20, formally requesting Macon County to adopt an Impoundment Ordinance, and March 22, requesting Jackson County to provide funding for fire protection in the Highlands Fire District, as requested at the previous meeting. Proposals for banking services had been received from the six banks located in Town, and he expected to evaluate the proposals with the help of the Finance Committee and make a recommendation by the May 1 meeting.

County Commissioner Allan Bryson was present, and confirmed that the Impoundment Ordinance had been referred to the County Attorney, who was preparing an interlocal agreement.

Comm. Cavender asked whether surveying had begun for the Edwards case. Mayor Trott explained that it had; the survey would include aerial surveying, currently underway, and would cost no more than

\$50,000.

The Town Administrator also reported that the Town had received a Notice of Regulatory Requirements from the Underground Storage Tank Section of DENR; recent DWQ sampling had indicated the presence of petroleum hydrocarbons in Mill Creek from the Town's warehouse property, the site of a lengthy UST monitoring program which had ended several years ago when it had been placed on the lowest priority.

Due to the recent sampling, it had been moved from low to intermediate risks, and a groundwater monitoring report would be required by July 31. He had been unable to contact the DENR office regarding the notice, but hoped to have more information by the next meeting.

He also read a portion of a letter of commendation regarding Dale MacMahon's recent response to a water outage, and said that he had received a similar commendation recently regarding Stanley Houston.

V. Old Business.

1. The Town Administrator had prepared a technical amendment of the Cemetery Ordinance, pursuant to the approval on March 6 of columbarium fees differentiating between qualifying and non-qualifying individuals, as follows:

- Add to first paragraph of Section 26, "except as indicated in paragraph (d)."
- Add the following paragraph:

"(d) The foregoing qualifications shall not apply to cremated remains placed in a columbarium."

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE AMENDMENT.

2. The Town Administrator reported that, pursuant to the March 6 meeting, the Planning Board had reviewed a resolution which had been prepared opposing the relocation of streams in the Town's jurisdiction. The Planning Board had made several changes at its March 25 meeting, and recommended adopting the resolution:

RESOLUTION OPPOSING THE RELOCATION OF STREAMS

WHEREAS, the Town of Highlands has historically supported in its Land Use Plan, its general policies, and its watershed regulations reasonable efforts to improve water quality within the Town of Highlands and the Highlands watershed;

WHEREAS, the Town recognizes that an important element of improving water quality is the protection of streams and lakes within its jurisdiction;

WHEREAS, the Town concurs with the objectives identified in the Division of Water Quality's Little Tennessee River Basinwide Water Quality Plan for the application of Best Management Practices along streams, including maintaining natural vegetative buffers, controlling stormwater run-off, avoiding channelization of streams and the resultant increased water velocities, and in general ensuring that construction projects cause no damage to water resources;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners in Regular Session assembled, that the Town of Highlands strongly opposes the relocation of any streams within its jurisdiction.

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

CARRIED TO ADOPT THE FOREGOING RESOLUTION.

The Clerk was asked to forward the resolution to the U. S. Army Corps of Engineers.

VI. New Business.

1. The Town Administrator reported that the Planning Board had approved the final plat and the variance on road grade for Steve Pierson's Hardscrabble Ridge subdivision. It was also reported that a letter had been received from Kevin Barnett in the Asheville DWQ office indicating that the subdivision would not be subject to Outstanding Resource Water requirements.

MOVED BY COMM. SANDERS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE FINAL SUBDIVISION PLAT FOR STEVE PIERSON'S HARDSCRABBLE RIDGE SUBDIVISION.

Comm. James commented that the recent letter in the newspaper from Rabun Kelly regarding developing in the Bowery Road area had not made sense. It had indicated that there were inadequate rights-of-way in Steve Pierson's subdivisions, when in fact 60-foot rights-of-way had been provided to State Roads. Comm. Sanders agreed; he thought somebody did not have their facts right.

2. The Town Administrator reported that the final subdivision plat for Haber Trust for the First Union branch bank had been revised pursuant to the Board's request on September 5 and as discussed on December 5, 2001; the plat now indicated a 40-foot right-of-way, and the words "road" had been changed to "driveway" on the plat.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE HABER TRUST FINAL SUBDIVISION PLAT.

3. As discussed at the previous meeting, two nominations had been received for alternate member of the Zoning Board for Bill Rethorst, and one for Helene Siegel.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPOINT BILL RETHORST AS ALTERNATE MEMBER OF THE ZONING BOARD TO FILL TOM CLARK'S UNEXPIRED TERM.

4. Town Engineer Lamar Nix had prepared estimates of paving for 2002 totalling \$127,877. He reported that \$120,000 was available in the budget, including the balance of Powell Bill funds, \$100,000 in additional street paving funds budgeted for the year, and a deduct from Stillwell Enterprises' contract for the Bowery Water Project for paving on Center Drive on Little Bearpen.

MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO ADVERTIZE FOR PAVING BIDS.

5. The Board discussed a lease agreement for the Chamber of Commerce Visitors Center office in the Town Hall, as requested by the Finance Committee at the March 20 meeting. Comm. James felt that a lease agreement should be prepared, the Town should begin charging for utilities, and perhaps rent should be required.

MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY AGREED TO PREPARE A LEASE AGREEMENT FOR THE CHAMBER OF COMMERCE VISITORS CENTER OFFICE IN THE TOWN HALL, AND TO BEGIN CHARGING FOR UTILITY SERVICE EFFECTIVE JULY 1.

Comm. Ross noted that he was still on the Chamber Board and would have to excuse himself, but he felt that the Town had been generous in allowing the use of the space until now and that a lease agreement would be in order. He also said that he had asked Pat Barnes and Bill Basham to prepare in the near future a brief report to the Board, explaining what the Chamber was doing since the recent re-organization.

Mayor Trott reported that many municipalities in the area owned, operated, and staffed visitor centers themselves, rather than chambers of commerce.

6. Copies of the Fire Department budget for the coming fiscal year had been distributed with the agenda package. Allan Bryson was present, and explained that the budget, recommending an increase in the fire tax rate from 0.011 to 0.015, included increases in salary for Bob Houston, replacement of a deficit from last year, and \$130,000 toward the purchase of a rescue vehicle in FY 03-04.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE THE BUDGET AND THE FIRE TAX RATE.

7. The Town Administrator reported that the Planning Board had discussed the issue of proposed population growth projections, which had been referred to it by the Board at the March 6 meeting, and had asked for some direction and some indication of the parameters of such a study.

Comm. Ross said that the population study he had proposed was not tied to the Wastewater Treatment Plant Preliminary Engineering Report. He thought that population data would be worthwhile, and there were a lot of options, including dovetailing such a study with a Land Use Plan update. He had done some research and contacted a consultant who was prepared to conduct a study which would include estimates of the holding capacity of vacant land, potential demand for this land, and a social and economic analysis including population and household growth, age and income distribution, housing characteristics and trends, commuting patterns, employment trends and forecasts, and major employers/industries and prospects for growth. Such a study could be done either for the Town itself or for the entire plateau; the cost would be \$10,000 or \$15,000, respectively.

Mayor Trott said that he felt it was important that the data include expanding the infrastructure within the Town limits as well. The Town Administrator reported that the Land Use Plan had recently been updated, but was due for another update soon. He recommended contacting Geoffrey Willett in the Division of Community Assistance for assistance in preparing for a land use update. Comm. James agreed; he also felt that the County should be approached for assistance in the project. Comm. Ross felt that the Chamber of Commerce might also be willing to help fund a study. Lewis Doggett reiterated that the Planning Board would like some direction from the Board on the extent of funding, the scope of the study, and who will direct the study. Comm. Patterson felt that it was important for the Board to have some hard facts to work with. Larry Gantenbein suggested that a Committee be formed to explore what resources would be available for a Land Use Plan update/population study.

After some discussion, it was agreed that a Committee consisting of Comm. Ross, Larry Gantenbein, a member to be selected by the Planning Board at its next meeting, and, initially, the Town Administrator, meet with Geoffrey Willett.

8. MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318(A)(6) TO DISCUSS APPLICATIONS FOR EMPLOYMENT FOR METER READER AND BILLING CLERK, AND TO DISCUSS A PERSONNEL MATTER INVOLVING PARKING ENFORCEMENT OFFICER SCOTT NELSON. All present left the room except the Clerk and the Police Chief.

A. It was reported that interviews were being scheduled for Meter Reader and Billing Clerk positions, and it was expected that a recommendation would be made at the next meeting.

B. The Board discussed the pending certification of Parking Enforcement Officer Scott Nelson. Chief Cook requested that, once certified, he be permitted to use him for law enforcement as well as enforcement of the Parking

Ordinance; he recommended that his salary be increased to that of a Patrol Officer at that time.

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

9. MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO INCREASE SCOTT NELSON'S SALARY TO 11-1 (\$20,994) AND USE HIM AS A PATROL OFFICER ONCE HIS CERTIFICATION IS FINAL.

VII. MOVED BY COMM. CAVENDER AND UNANIMOUSLY CARRIED TO ADJOURN. There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:35 p.m.

Richard Betz, Town Clerk