

REGULAR BOARD MEETING of January 16, 2008, with Mayor Don Mullen and Comms. Hank Ross, Dennis DeWolf, Larry Rogers, and John Dotson present; Comm. Amy Patterson was out of Town.

Also present were Richard Betz, Bill Coward, Lamar Nix, Joe Cooley, Selwyn Chalker, Kim Lewicki, Linsey Wisdom, Alan Marsh, Bill Staley, Ted McGavran, Ed Sullivan, Dwight Bryant, Joanna Baumrucker, Bob Kieltyka, John Shearl, Sabrina Hawkins, and others.

I. Call to Order.

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

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Town Administrator requested addition of one item of New Business, settlement of the Carolina Transformer PRP Group matter. The agenda was approved by consensus.

III. Approval of Minutes.

Copies of the minutes of the January 9 Regular Board Meeting had been distributed by mail.

MOVED BY COMM. ROSS, SECONDED BY COMM. ROGERS, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

IV. Reports.

1. The Mayor reported that he and several Board members had attended the County Commissioners meeting Monday night and had been impressed by the openness and cooperation; the Recreation Funding agreement for \$500,000 had been finalized, and the Transfer Station construction was moving forward.

2. Comm. Ross reported that the Public Works Committee had met earlier in the day and discussed the request from McGavran Engineering to amend the contract with the Town; this item was on the agenda under New Business. The Committee had also reviewed a steep slope behind the new D.O.T.-installed sidewalk at Birney Robert's residence on Chestnut Street, and recommended installing a boulder wall using donated rock and Town forces.

Comm. DeWolf reported that the Recreation Committee had met on January 15 and finalized a decision on new fitness equipment at the Civic Center; the equipment would cost between \$45,000 and \$47,000 and new carpet was also being included. The Recreation Director thought some of the old equipment could be sold.

3. The Town Administrator reported that architects Mitchel Sorin and John Fisher could meet with the Board on February 27 at 7:00 p.m. to review Town Hall conceptual plans, rather than on February 12 as tentatively scheduled at the previous meeting; the Board agreed by consensus to set a Special Meeting for the 27th.

He also reported that informal bids had been advertized for mowing and landscaping as requested at the December 5 meeting. The bids had been tabulated and opened, and the low bids were as follows:

Landscaping Town Property
Tate Landscaping Services Inc. \$9,600

Mowing Cemetery

J & J Lawn Service \$610/week, \$23/hour

Mowing Recreation Park/Ball Park

J & J Lawn Service \$16,008

The Board approved the low bids by consensus.

V. Old Business.

1. Several amendments of the Subdivision and Zoning Ordinance, subject of a public hearing on December 5, 2007, had been reviewed by new Planning Director Joe Cooley; each Board member had received copies of the amendments and a report from Mr. Cooley. The Town Administrator noted that Comm. Patterson was not present but had told him earlier in the day she had several concerns over the Subdivision amendments, and he suggested that the matter be deferred until she could be present. The Board agreed by consensus to defer it until the February 6 meeting.

2. The Board again considered several stormwater proposals from McGill & Associates, as discussed at the January 9 meeting. Town Engineer Lamar Nix was present and recommended the following projects in order of priority for this year:

- Draft Ordinance Creation [already underway] \$10,800
- Stormwater Utility/Impact Fee Analysis 8,100
- Debris removal from streams 60,000/\$250,00 construction
- Hydraulic Modeling of Lakes 15,800

He felt that the debris removal could be done in-house by Town crews. He also felt that the Hydraulic Modeling project could be limited to Harris Lake and the Highlands Biological Station Lake. The other projects priced by McGill - off-line water quality/ quantity wetland/basin design and road crossing upgrade, could be deferred until next year when a Clean Water Management Trust Fund grant application might be successful.

MOVED BY COMM. ROSS, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO MOVE FORWARD WITH THE PROJECTS RECOMMENDED BY THE TOWN ENGINEER, EXCEPT FOR THE DEBRIS REMOVAL TO BE DONE IN-HOUSE.

VI. New Business.

1. McGavran Engineering had requested at the January 9 meeting that the Town amend its contract with them for the pole audit in order to accelerate the process due to dangerous violations they were discovering. Comm. Ross reported that the Public Works Committee had met earlier in the day and recommended not amending the contract, but asking them to proceed with the audit including dimensions for all clearances. Ted McGavran was present and said that they were finding violations while doing the audit. Comm. Ross said the contract called for his firm to provide technical information to put in the database, and he asked if he would perform the contract; Mr. McGavran said he would complete it as written, but labelling poles would cost \$35.00/hour. The Town Administrator said that the contract called for the poles to be numbered; Town forces could apply the labels. Mr. McGavran said that slowing the process would delay sending out bills based on a per-attachment basis. The Town Administrator said that earlier surveys had indicated that the number of attachments were approximately 1.2 per pole; the Town could simply increase its pole attachment fee to increase revenue rather than waiting for the audit to be complete. The Board agreed by consensus to consider attachment fees at another time.

2. Dwight Bryant was present representing the Board of Directors of Highlands Playhouse, requesting use of the Civic Center gymnasium September 22 through September 28 for their annual antique show. He said the show had been successful the year before last, and the Playhouse had donated \$3,500 to the Town and also improved the electrical system in the gym. The event was their principle fund-raiser, netting about \$12,000, and the time of year

would not disrupt exercise classes or other events. He said that 86 businesses had been polled after the previous event and 83 had favored the event, while only one had said no and two had said it did not matter. He also asked the Board to consider a three-to-five-year commitment for this event.

The Mayor said that he understood many businesses on Main Street were struggling due to the downturn in the economy, and some were going out of business; he thought it was important to do everything we could to attract people here. John Shearl was present and said the event appeared to be a win/win for everybody; he wondered what the negative side was. Bob Kieltyka was present and said he was speaking on behalf of a unanimous Board of Directors of the Chamber of Commerce in support of the event; he said there had been a significant loss in business last year when the event had been re-located to Sapphire Valley. Sabrina Hawkins confirmed that the event had helped her business when it had been held in Highlands; she said she had rented 83 room nights at that time, but had lost \$12,000 last year. Comm. Rogers said he had talked to several business people and they agreed that the event pumped a lot of money into Town. Comm. DeWolf felt that the event had a financial impact on the community that complemented rather than competed with businesses, and was scheduled at a time when it would not interfere with events; he felt it was thus consistent with past Civic Center policy and with its hybrid nature as both a recreation and civic-event facility.

MOVED BY COMM. ROGERS, SECONDED BY COMM. DOTSON, AND UNANIMOUSLY CARRIED TO APPROVE THE USE OF THE CIVIC CENTER FOR THE EVENT FROM SEPTEMBER 22 THROUGH SEPTEMBER 28.

3. The Town Administrator said that he had neglected to point out earlier that each Board member had a revised copy of the proposed Pole Attachment Ordinance in the agenda package; the Board had agreed for the Town Engineer to work on the Ordinance with the Town Attorney, and the revision included recommendations of him, Matt Shuler, and Ed Sullivan. The Board agreed by consensus to consider the revised Ordinance at the February 6 Board meeting. Comm. Ross asked if the Ordinance included any provisions for underground service; the Town Engineer said it was limited to pole attachments. Bill Staley was present from Northland Cable TV, and said his company was committed to working with the Town on cleaning up the attachment issues and was budgeting money each year to do so.

4. Town Attorney Bill Coward reported that Carolina Transformer Potentially Responsible Parties (PRP) Group had contacted the Town concerning a superfund site where Town transformers had allegedly been shipped in 1977; apparently EPA was working to clean up the site and customers of Carolina Transformer throughout the Southeast were faced with contributing to a settlement or ending up in court, where more money could be owed. The initial settlement amount of \$40,000 had been reduced to \$20,000, and he recommended settling the potential lawsuit.

MOVED BY COMM. ROGERS, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO SETTLE THE MATTER FOR \$20,000.

VII. MOVED BY COMM. ROGERS, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared by the Mayor to be adjourned at 8:00 p.m.

Richard Betz, Town Clerk