

SPECIAL BOARD MEETING of November 12, 2008, with Mayor Don Mullen and Comms. Amy Patterson, Hank Ross, Dennis DeWolf, Larry Rogers, and John Dotson present.

The Mayor called the meeting to order at 11:05 a.m. and stated that, as reported at the November 5 meeting, the purpose of the meeting was to interview candidates for the position of Town Manager.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. '143-318.11(A)(6) TO INTERVIEW CANDIDATES FOR TOWN MANAGER.

The Board interviewed candidates for the position.

The meeting was continued to November 13, 2008.

Richard Betz, Town Clerk

SPECIAL BOARD MEETING of November 13, 2008, with Mayor Don Mullen and Comms. Amy Patterson, Hank Ross, Dennis DeWolf, Larry Rogers, and John Dotson present.

The Board interviewed candidates for the position of Town Manager.

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

The meeting was adjourned by consensus.

Richard Betz, Town Clerk

REGULAR BOARD MEETING of November 19, 2008, with Mayor Don Mullen and Comms. Amy Patterson, Hank Ross, Dennis DeWolf, Larry Rogers, and John Dotson present.

Also present were Richard Betz, Bill Coward, Lamar Nix, Joe Cooley, Selwyn Chalker, Kim Lewicki, Jim Lewicki, Melody Spurney,

Rick Siegel, Joanna Baumrucker, Dwight Bryant, Wanda Drake, Ronnie Spilton, Jim Gordon, Henry Johnson, Scott p[axton, Bob Kieltyka, Linsey Wisdom, Alan Marsh, and others.

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 Mayor asked that a closed session be added under New Business to review a candidate for Town Manager; the Town Administrator asked that approval of an interlocal agreement with Macon County for recreation funding be added.

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

III. Approval of Minutes.

Copies of the minutes of the November 5 Public Hearing and Regular Board Meeting had been distributed by mail.

MOVED BY COMM. DOTSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS DISTRIBUTED.

IV. Reports.

None.

V. Old Business.

1. The Board discussed renewal of the lease agreement between the Town and Highlands Community Theater Inc. for the Playhouse building. The lease, which expired on December 31, had formerly had a term of ten years, but in 2004 it had been renewed for only five years. Comm. Ross said there had been some discussion at the time about permission being given to other organizations to use the facility in the shoulder seasons; he thought it might be good to discuss improvements to the building or lease provisions which would make that possible. Town Attorney Bill Coward said that the lease itself was satisfactory; the only question was implementation of Section XVI, Quiet Enjoyment, which permitted "other responsible persons, entities, or groups to use the Leased Premises at reasonable times and upon reasonable notice and upon such other reasonable conditions as Lessee may deem appropriate."

Joanna Baumrucker, a member of the Board of Directors of the Playhouse, said that the facility had been offered to the Instant Theater Company and the Highlands-Cashiers Players. She then asked Henry Johnson, General Manager, to explain the policy on use of the facility. Mr. Johnson distributed copies of Rules and Regulations governing use of the building, which he said was comparable to that of other theaters; the daily rental fee of \$175 was lower than most, and the requirement that a technician be employed was also common, although in the past Highlands School and other organizations had not been charged. He pointed out that all of the equipment belonged to the HCT Inc. He said that he had never refused anyone use of the Playhouse, although there were times when it could not be used; the Playhouse season extended from May to September or October, and because it was not insulated, the building had to be drained and closed down in the winter except for a small office. In response to questions from Commissioners, he said that the cost of heating and insulating the building, according to a recent estimate, was \$55,000 to \$75,000. The Playhouse was in good financial condition, but would like to have the lease renewed as soon as possible, preferably for ten years, so that actors could be lined up for next year's productions. He also said that he would limit productions as much as possible, whether by the HCT or others, to those meeting "family-friendly" standards which the community expected; complaints had been received and patrons lost over the use of profanity from time to time, such as the word "bullshit" during a recent play. Comm. Patterson expressed a concern that he could be deciding whether to rent or not based on

content.

Ronnie Spilton, representing the Highlands-Cashiers Players, said that they were satisfied with use of the Performing Arts Center, although if the building was available during the winter it could provide other options. Scott Paxton, representing the Instant Theater Company, said that he could probably work with Mr. Johnson on possible use of the building, although they sometimes focused on adult entertainment.

The Town Attorney recommended that a paragraph be added to Section XVI similar to one in the Town's lease with the Performing Arts Center, requiring all entities using the facility to enter into agreements that will be "sufficient to protect the interests of Landlord, including without limitation provisions for releases of liability and indemnity against all losses or claims." He also recommended that limits on general liability insurance be increased to \$1,000,000 for each occurrence and \$3,000,000 aggregate. Mr. Johnson agreed to provide a copy of the Certificate of Insurance, which he thought was already in those limits, naming the Town as an additional insured.

MOVED BY COMM.DEWOLF, SECONDED BY COMM. DOTSON, AND CARRIED THAT THE LEASE BE RENEWED FOR A TERM OF TEN YEARS. Comms. DeWolf, Dotson, and Patterson voted "aye;" Comms. Rogers and Ross voted "nay," citing the 10-year term as the reason.

VI. New Business.

1. Comm. DeWolf reported that he and Comm. Ross had been reviewing the architectural plans prepared by Mitchel Sorin and John Fisher for the Town Hall site. He displayed the plans and reviewed the process which had led to their development. Now that the ABC Board had decided to vacate its facility and re-locate to Highlands Plaza, the building could be used for other purposes. He suggested moving the Police Department to the building; Comm. Ross thought the Department was in a crisis mode in their current facility. The possibility of creating a room for Town meetings at the ABC store and remodeling the current Town Hall conference room into offices was also discussed. The Town Administrator said that the public rest rooms were in a deplorable condition, had been vandalized from time to time, and were sorely in need of replacement; he suggested they be re-located to this building, where they could be monitored by the Police Department and also provide overflow facilities for the Playhouse during the season. Comm. DeWolf said he felt the Town should continue with its strategic plan to build a new Town Hall on this property when funding could be provided. It was also agreed that this topic should be discussed sometime after the first of the year when the a new Town Manager would be present.

2. The Town Administrator reported that the Macon County Board of Commissioners had approved an interlocal agreement the previous week providing for \$500,000 in funding for FY 08-09 for Recreation, as discussed at previous meetings; the agreement was like that approved last year, but the termination clause had been changed from thirty (30) days to ninety (90) days.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO

APPROVE THE AGREEMENT.

The Board agreed to discuss renewing the agreement, perhaps for a longer term, next March when the budget was being developed.

3. MOVED BY COMM. PATTERSON, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. '143-318.11(A)(6) TO REVIEW A CANDIDATE FOR TOWN MANAGER. All present left the room except the Town Attorney.

The Board discussed a candidate for Town Manager.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. The room was opened to the public.

VII. The Board agreed to adjourn by consensus.

There being no further business to come before the Board, the meeting was declared by the Mayor to be adjourned at 10:30 p.m.

Richard Betz, Town Clerk