

REGULAR BOARD MEETING of April 1, 1998, with Mayor Buck Trott and Commissioners H. N. James, Mike McCall, Ron Sanders, Zeke Sossomon, and Amy Patterson present.

Also present were Richard Betz, Lamar Nix, Eddie Madden, Selwyn Chalker, David Harris, Larry Brooks, Alan Marsh, Ninian Bond, David Johnston, Rosemary Fleming, Ralph Thomas, David Hourdequin, and Curtis Hayes.

I. Mayor Trott called the meeting to order at 7:00 p.m. He reported that Police Chief Jerry Cook could not be present due to transportation problems.

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

III. The minutes of the March 14 Special Board Meeting and the March 18 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that he had attended a meeting of the Board of the Southwest Commission on Monday Night; the Commission was still funneling a lot of money into the area, much of it for the Macon Program for Progress. He had also attended a Program for Progress meeting on Tuesday, and reported that they were building a new toddler/infant care center. He understood that the Macon County Head Start, serving 300 children, was one of the leading Head Start programs in the United States, serving as a regional training center.

2. Comm. Patterson asked if the Utilities Committee had met with Steve Pierson to discuss a water line easement for the Bowery Road water project; the Committee had not met with Mr. Pierson.

3. Each Board member received a copy of a memo from Town Attorney Bill Coward, updating the Board on the 4½/Poplar Street litigation. The Clerk reported that he and the Mayor had determined that Mr. Coward's presence had not been required for this meeting.

4. Each Board member had received a copy of the Public Services Administrator's written report for the month. Lamar Nix also announced that Street Superintendent Johnny Henry had retired effective May 1. Comm. Sanders commented that Mr. Henry had been a great employee, and would be difficult to replace; the Mayor and the Board agreed.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO ADVERTISE FOR THE POSITION OF STREET SUPERINTENDENT

5. Each Board member had received a copy of the Recreation Director's report for the month, including updated bids on tractors; the low bid had been received from Southern Tractor in Canton for a Kubota 1700 HSD 4WD tractor with a 5-foot mower deck, for a total price of \$11,800. The Clerk reported that he had budgeted \$11,000 for this piece of capital equipment.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ACCEPT THE LOW BID.

Selwyn Chalker also asked the Board again to consider a full-time employee on the front desk in the evenings to provide for better security; the Board agreed to discuss this at the next meeting. He also reported that Dave Jellison would be returning to part-time work beginning on Monday.

6. Each Board member had received a copy of the Zoning Administrator's written report for the month. Eddie Madden informed the Board that at their last meeting the Planning Board

had elected James Tate as Chairman and Jolene Niblack as Vice Chairman.

7. Each Board member had received a copy of the Treasurer's Report for the month of March. The Treasurer noted that purchased power was below projections for the year, and that several State revenue items were above projections.

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

8. Each Board member had received a copy of the Town Administrator's report for the month. Richard Betz also reported that the League of Municipalities would be holding a regional meeting in Brevard on April 28, and asked any Commissioners who were interested to let him know.

He also reported that he had received an inquiry from an individual requesting permission to dispose of waste from a septic tank pumping truck at the Wastewater Treatment Plant. He said he had discussed this with Bill Anderson, Lamar Nix, and the operators of the Plant, and determined that it would be feasible. He said that the proposed size of the truck was either 1500 or 2500 gallons, and he recommended setting a fee of at least \$25 for each truckload of waste. Comm. James and Comm. Sanders both suggested \$35 for a 1500 gallon truck and \$50 for a 2500 gallon truck, but after additional discussion the Board agreed to place this matter on the agenda of the next Board meeting.

Comm. James asked about an item in the report concerning Poplar Street. The Town Administrator reported that he had received a phone call from Reuben Moore, D.O.T. Traffic Engineer, explaining that he had discovered a traffic study in his data base on Poplar Street and US-64 conducted last year at the request of Virginia Fleming. According to a letter dated March 26, the intersection did not warrant a signal. He said he had informed Mr. Moore that another traffic count would not be necessary at the intersection; however, he had asked him to proceed with the other traffic counts discussed at a meeting of May 5, 1997 at Maple & Fourth, Third & Main, and Spring & Fourth streets.

Comm. Patterson asked about an item in the report concerning the new Jeep Cherokee; the low bid from Edwards Auto Sales had met specifications. He had discussed with the Police Chief the need to keep this vehicle available and convenient to be used by the Zoning Administrator and other Town Office staff as needed, as well as prohibiting smoking in the vehicle. She thought that the Board had agreed to keep the old Jeep Cherokee for this purpose, but others disagreed. Comm. James said he felt it would be good if the new Jeep could be used by Mr. Madden as suggested, and Mr. Madden said that he had discussed this and it was fine with him. The Board agreed to place the matter of selling the old Jeep on the agenda when the new vehicle arrives.

9. The Mayor reported that, although the County Commissioners had not approved the Pay-As-You-Waste proposal of the Solid Waste Advisory Committee, it was considering another recommendation of that Committee for employing a full-time County Recycling Coordinator. He suggested writing a letter concerning this matter, as well as requesting that efforts be made to find a recycling center more convenient to Highlands and bringing it up to the standards of centers in neighboring states, such as in Mountain Rest, South Carolina, and Rabun County, Georgia. He felt that an upgraded center would encourage recycling. Comm. Sanders felt that such a recycling center should also be open on Sundays. The Board agreed, and asked the Mayor to write a letter to that effect.

V. Old Business.

1. The Clerk reported that it had come to his attention that Frank

Henry, whose quotation had been accepted on February 18 for the construction of two picnic shelters and additional work, did not carry any general or workers compensation insurance. He had asked Mr. Henry to proceed with the smaller jobs, but felt he should bring construction of the picnic shelters—quoted at \$21,774.20—to the Board for reconsideration, since the work was substantial and some Commissioners had questioned the matter.

Comm. James said he agreed that the Town needed to have a policy addressing the issue. Comm. Sossomon agreed; he felt that the contractor should have workers compensation insurance, and he also felt that there should be a written contract for the work. The consensus of the Board was that a contract should be drafted and Mr. Henry should be asked to obtain workers compensation insurance, with the understanding that the quotation will increase accordingly; if he does not obtain the insurance, informal bids are to be solicited from other contractors.

2. The Clerk reported that the Thoroughfare Plan had been updated by the D. O. T. Statewide Planning Branch, as requested at the last meeting, and now included South Street, Fifth Street, Poplar Street, and 4½ Street. He had received an updated map dated March 26, 1998, copies of a revised resolution, and also a letter to Richard Melvin concerning Horse Cove Road, which was recommended to be widened only as far as Bowery Road.

The Mayor reiterated that D. O. T. engineer Blake Norwood had told the Town that the projects on the plan could take 7 to 10 years to fund, and then only upon Town request. The Town was under no obligation to proceed with any project by adopting the Plan; it merely put a fence around the money.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO APPROVE A RESOLUTION ADOPTING THE THOROUGHFARE PLAN FOR THE TOWN OF HIGHLANDS, NORTH CAROLINA.

A copy of said resolution is attached hereto and made a permanent part of this record.

VI. New Business.

1. Larry Brooks was present, and reported that the Highlands School was in the process of making several changes to parking and traffic flow in the area. The Appearance Commission had approved plans for a new parking lot on the former Creswell property, and plans for the renovation of the playground were now before the County School Board. He requested that the Town consider funding of a sidewalk on Pierson Drive from the front entrance of the school to the new parking lot in order to provide a safe place for children to walk to school.

Comm. James said he thought the road was State-maintained all the way past the school property to the edge of the old Creswell property. The Mayor said he had been told by the D. O. T. Division Engineer that the State road terminated at the end of South Fifth Street.

Comm. James said he felt the County should be asked to fund the sidewalk; Comm. Sossomon agreed. In the meantime, the Board agreed for Lamar Nix to review the request.

2. Copies of an Ordinance Consenting to the Cable Television Franchise Agreement with Highlands Cable Group had been distributed with the agenda. David Harris, consultant from Custom Communications, was present to review the first reading of the franchise with the Board.

Comm. Patterson pointed out a mathematical error in computation of line extensions on page 5, and an error in identifying Appendix B on page 9; Mr. Harris said both would be corrected before the second reading.

Comm. James asked about a Pole Attachment Ordinance. The Clerk reported that he had drafted such an Ordinance, would be reviewing it with the Town Attorney, and would place it on the agenda of the April 22 meeting. Mr. Harris said that such an Ordinance was separate from this agreement. The Board discussed the policy of the Board prohibiting placement of cable on Main Street between First and Fifth and on Fourth Street between Spring and Pine. Mr. Harris said that this matter was addressed in the Cable TV Ordinance in a general way, but agreed to specifically place the Main Street policy in the Franchise Agreement, the wording to be drafted by Town Engineer Lamar Nix. Ninian Bond was present and consented to the change.

Mr. Harris explained that the agreement was a non-exclusive one for a term of 10 years, with a 5-year renewal clause if the cable operator conformed to the Ordinance and Agreement. He said that Highlands Cable Group had wanted a straight 15-year franchise agreement in order to better obtain financing, but he would not recommend a franchise agreement greater than 10 years.

Ninian Bond said that he intended to retain the system after it was constructed, and to build a state-of-the-art system for the future. He had asked for a 15-year term because he was entering a competitive market and using new technology. The Board discussed this matter for some time.

MOVED BY COMM. SANDERS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE A TERM OF 15 YEARS.

Mr. Harris reported that the franchise agreement also called for 5% of gross revenues, a line extension standard of 20 houses per mile, a public access channel, and a local studio posting public information bulletins; construction was to be complete within 10 months, to begin when Highlands Cable Group qualifies, and after a 3-year funding window.

The Board also agreed that "Town Administrator" should be replaced with "Board" in Section 3, paragraph (a), relating to demonstration of sufficient funds and assets.

MOVED BY COMM. JAMES, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE FIRST READING OF THE FRANCHISE AGREEMENT, SUBJECT TO REVIEW BY THE TOWN ATTORNEY.

3. The Clerk reported that he had received seven bids on the Big Bearpen Tower, but that it was apparent that they were not equivalent; he had prepared a brief tabulation of the bids. The Mayor asked Comm. McCall and Comm. Sanders to serve on an ad-hoc Committee to evaluate the bids, and they agreed.

4. The Finance Committee agreed to meet with the Treasurer at 7:00 p.m. on April 7 in his office.

5. Town Planner Eddie Madden reviewed with the Board two additional Zoning Amendments which he had drafted, in addition to five reviewed at the March 18 meeting, copies of which had been distributed with the agenda package.

A. Structure Height. The proposed amendment changed the provision for structure height in all zoning districts to permit three habitable stories, but limited the height to 35 feet. The Board discussed for some time the policy on determining height, the granting of variances by the Zoning Board permitting a third habitable story in a basement, and the lack of a definition of basement in the Ordinance. Comm. Sossomon felt that, rather than expanding the Ordinance to permit three stories, a definition of basement should be drafted to specifically limit the use of a basement to storage only; he felt such a definition would make it more difficult to justify to the Zoning Board a variance request.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO REPLACE THE PROPOSED AMENDMENT WITH A RE-DRAFTED

DEFINITION OF BASEMENT, CLARIFYING THAT A BASEMENT IS TO BE USED FOR NON-HABITABLE PURPOSES.

B. Off-Premise Parking. The proposed amendment deleted the provision permitting off-premise parking on other property. Comm. James said that he did not have any problem with parking being provided on adjoining property, or perhaps even other nearby property, provided it is not located across a thoroughfare. There was considerable discussion on the issue.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. MCCALL, AND UNANIMOUSLY CARRIED TO APPROVE THE AMENDMENT AS DRAFTED AND SEND IT TO THE PLANNING BOARD.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO SEND ALL SEVEN PROPOSED AMENDMENTS OF THE ZONING ORDINANCE TO THE PLANNING BOARD FOR REVIEW.

Because of the late hour, the Board agreed to defer consideration of the Master Sidewalk Plan until the April 22 meeting. In the meantime, the Clerk was asked to provide, prior to that meeting, a smaller, updated map showing recent new sidewalks installed and also zoning districts.

6. MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO SET THE WEEKS OF APRIL 27 AND MAY 25 FOR THE ANNUAL SPRING CLEAN-UP.

VII. MOVED BY COMM. JAMES, 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 approximately 9:15 p.m.

Richard Betz, Town Clerk