

REGULAR BOARD MEETING of April 4, 2001, with Mayor Buck Trott and Commissioners Zeke Sossomon, Amy Patterson, H. N. James, Ron Sanders, and Mike Cavender present.

Also present were Richard Betz, Lamar Nix, Maureen Lackey, Jerry Cook, Selwyn Chalker, Morris Williams, Mary Jo Foster, Bob Wright, Jodie & Carolyn Cook, Kim Lewicki, Hank Ross, Jack Hayes, and Bill Rethorst.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 8:00 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Clerk asked that two items be deleted--proposed amendment of the Lake Ordinance relating to docks, and proposed closed session to consider handling of the Highlands Country Club lawsuit--and that a resolution honoring the memory of Bobby Creswell be added.

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

III. Approval of Minutes.

Copies of the minutes of the March 21 Regular Board Meeting had been distributed by mail.

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

IV. Reports.

1. The Mayor reported that he had contacted Bob Long, the attorney recommended by the Town Attorney at the previous meeting to represent the Town in the Highlands Country Club lawsuit, and that he, Morris Williams, and Maureen Lackey had met with him last week and delivered the record in the case; a response had already been drafted and would be filed before the April 6 deadline. Mr. Long's fee was \$225/hour, but thus far no estimate had been received of the total legal cost.

The Mayor also reported that the Board had been invited to attend a discussion on land use planning in Macon County, facilitated by Paul Meyer, Assistant General Counsel with the N. C. Association of County Commissioners, on April 9 in Franklin.

2. The Town Administrator said that he had discussed the agenda with the Town Attorney, who had reported that the ruling from the Court of Appeals in the Edwards case had still not been received.

3. Each Board member had received the Public Services Administrator's written report for the month. Lamar Nix was present and reviewed the report with the Board. He said that the Public Water Supply Section had inspected the Water Treatment Plant recently and been very pleased with its maintenance and operation, noting no violations; work on the caustic tanks was scheduled to begin this week.

He also reported that the telephone lines on Maple Street had still not been relocated, and unless they were moved within 3 to 4 days, the contractor would be forced to pull off the job. He said that he and the Mayor had been calling Verizon officials and hoped to resolve the problem this week.

He also reported that work on the gravity portion of the West Shore Lake Sequoyah Sewer Project was nearly complete; however, some delays in delivery of materials from manufacturers could present problems with the contract's completion time.

The Mayor noted with pleasure that the new traffic lights had finally been installed by the D. O. T. He thanked the Public Service Departments for their assistance.

4. Each Board member had received the Police Chief's written report for the month. Jerry Cook was present and reviewed the report with the Board. He also said that he would be using a mobile radar unit mounted on a trailer which was now being used in Franklin.

5. Each Board member had received a copy of the Recreation Director's report for the month. Selwyn Chalker was present and reviewed the report with the Board. He said that the cooling toward installation was about half complete. He also submitted a list of part-time summer employees for the Recreation Park which had been reviewed by the Recreation Committee.

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

6. Each Board member had received a copy of the Town Planner/ Zoning Administrator's report for the month. Maureen Lackey was present and reviewed the report with the Board. She noted that the Zoning Board had met on March 13 and approved the minutes of the January 9 meeting, as well as a memo written by Morris Williams. The Planning Board had reviewed a cluster development submitted by Rowland Brazzeal, and had asked the Planner to look into some options concerning this type of development; she said that cluster development was not required to meet subdivision regulations under the current Ordinance. The Board had also asked her to look into interval or timeshare housing, and had discussed a draft of a Hillside Overlay District which she said would be ready for that Board's April meeting.

Finally, the Appearance Commission had asked the Board to consider amending Section 803.4 of the Zoning Ordinance, which currently states that the Commission may request plans for public buildings from any public agency for review, with a new provision requiring that public agencies submit such plans. The Commission had felt that the same standards governing private buildings ought to apply to public buildings. She also felt that, while some state or federal agencies might not legally be required to submit plans, an ordinance stating that they were required to do so might encourage them to.

Comm. James felt the Town Attorney should be consulted about the amendment; he asked how the Town could adopt an ordinance requiring an agency to do something the Town knew it did not have to do. Mayor Trott agreed, pointing out that the Town had no control over State or County agencies; he felt the matter should be taken under advisement and referred to the Town Attorney and the League of Municipalities. Comm. Cavender pointed out that the Town could be required to submit such plans, and said he felt that was the issue; plans for the Performing Arts Center had not been submitted to the Appearance Commission. The Mayor pointed out that the Commission had had the opportunity to review them if they had desired; Comm. James remembered that the Performing Arts Center Inc. had told the Board about their plans at public meetings.

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

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

8. Each Board member had received a copy of the Town Administrator's written report for the month. He said that he was currently reviewing medical insurance as well as property/ liability insurance, due to a proposed 25% to 29% increase in medical insurance rates effective July 1. He had also spoken to Nin Bond, who had agreed to provide documentation on Highlands Cable Group's funds and assets in accordance with the Franchise Agreement.

He had also attached a letter from the Mayor and from the County

Commissioners, re-iterating the Town's previous position on the designation of a portion of the Cullasaja River as a Natural and Scenic River; the Town had understood that a new bill was going to be introduced into the legislature by Sen. Bob Carpenter seeking the designation.

He also reported that there was as yet no business for the April 18 meeting, which both he and the Mayor would be unable to attend; the Board agreed by consensus to cancel the meeting.

V. Old Business.

1. Each Board member had received a revised proposal from Fish & Wildlife Associates for monitoring in Big Creek below Randall Lake, as discussed at the previous meeting. The total cost for stream channel evaluation, freeze core sampling, and report preparation would be \$3717.78, plus \$289.00 for each storm event. Comm. Patterson asked about the storm events; she wondered how many would be required before establishing a baseline. The Board discussed placing some limit on the number of events.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND CARRIED TO ACCEPT THE PROPOSAL FOR ONE YEAR. Comms. Cavender, Sanders, Patterson, and Sossomon voted "aye;" Comm. James voted "nay."

VI. New Business.

1. The Board agreed by consensus to set the dates for the annual Spring Cleanup for the weeks of April 23 and May 28.

2. Each Board member had received copies of the proposed budget submitted by the Fire Department for the coming fiscal year. Although the rate would not be set by the County until later in the budget process, he understood that the district tax would probably be reduced considerably from the current rate of 0.020.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE FIRE DEPARTMENT BUDGET.

3. Jack Hayes was present with a request to extend Town sewer to a maximum of five lots located in Riverlake Subdivision adjacent to the Cullasaja River off US-64. Town Engineer Lamar Nix said that he had explained to Mr. Hayes that he would have to have an engineered plan prepared and a permit from the State, and that the line would become public. In addition, 100% of the cost of the line would be paid for by the developer. Individual grinder pumps would be used on the pressure line, and it would be available to other existing residences on the road currently served by septic tanks.

MOVED BY COMM. SANDERS, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE EXTENSION OF TOWN SEWER UNDER THE FOREGOING CONDITIONS.

4. The following resolution was read by the Mayor, and adopted by unanimous consent:

**TOWN OF HIGHLANDS
RESOLUTION
HONORING THE MEMORY OF BOBBY CRESWELL**

WHEREAS, the Board of Commissioners of the Town of Highlands was greatly saddened to learn of the death of Bobby Creswell on April 1, 2001; and

WHEREAS, Bobby Creswell was a loyal and dedicated employee of the Town for nearly forty years, not only performing his own job as meter reader over the years with extraordinary energy and accuracy, but also unhesitatingly performing many other jobs for the Town, as well as countless acts of kindness in the community extending

far beyond the call of duty; and

WHEREAS, Bobby Creswell never ceased to enjoy each day of his life, cheering his friends and his co-workers with his high spirits and his irrepressible sense of humor, and helping everyone he came in contact with in a truly Christian spirit of brotherhood, generosity, and friendship; and

WHEREAS, Bobby Creswell will be sadly missed by the Town, his friends, and his co-workers.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Town of Highlands duly assembled in regular session on the 4th day of April, 2001, that the memory of Bobby Creswell be honored, and that sincere condolences be expressed to his family.

This resolution is adopted this 4th day of April, 2001.

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 8:55 p.m.

Richard Betz, Town Clerk