

REGULAR BOARD MEETING of June 20, 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, Bill Coward, Lamar Nix, Maureen Lackey, Kim Lewicki, Moyna Monroe, Mildred Johnson, Steve Pierson, Eric Pierson, Bill Enloe, Richard Rhodes, Billy Rhodes, Clem Henry, 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 Mayor said that Town Attorney Bill Coward needed to leave the meeting early, and he asked the Board to consider amending the agenda to go into Closed Session in order to discuss pending litigation regarding Bowery Road condemnation at the beginning of the meeting rather than at the end.

The Town Administrator asked that Item No. 7 under New Business, Discuss County Land Use Planning, be deleted; he said that he understood the County was working on a Growth Corridor Protection Zoning proposal, but was not yet ready to present it to the Town Board or the public.

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 June 6 Regular Board Meeting had been distributed by mail. The Clerk said that he had erroneously omitted a sentence from Page 222, after the vote on Planning Board members showing that Comm. James had voted "nay": "Comm. James said that he was opposed to re-appointing Linda Clark because of a possible conflict with Tom Clark serving on the Zoning Board."

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

IV. Closed Session

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318(A)(3) TO DISCUSS PENDING LITIGATION REGARDING BOWERY ROAD CONDEMNATION WITH THE TOWN ATTORNEY. All present left the room except the Clerk, the Town Attorney, and Moyna Monroe. Ms. Monroe read the following statement to the Board:

"I object to the Town Board going into closed session to discuss plans for the condemnation of Bowery Road because I believe that what you propose to do goes beyond what the law allows.

"I am advised that it is legal for you to get advice from your lawyer in closed session, and that it is legal for you to give him directions in closed session. However, our lawyer tells me that under the Open Meetings Law, it is unlawful for you to discuss, deliberate, or make decisions regarding the Bowery Road condemnation in closed session.

"Any portion of the deliberative process other than obtaining advice of counsel or giving him instructions must be held in open session. Our lawyer said that closed sessions are usually short and that members of the board then return to open session to continue deliberation and make decisions.

"My reason for questioning your motives in this matter are based on a conversation with a board member who attended the May 30 closed session on this subject. He said, 'The whole time was spent discussing the pros and cons of condemnation and that the board members were unable to reach a decision because it was a catch-22 situation.'"

Ms. Monroe then left the room.

The Board discussed pending litigation regarding Bowery Road condemnation with Town Attorney Bill Coward until approximately 7:45 p.m. Mr. Coward recommended that the Board retain the law firm of Poyner & Spruill to assist in pursuing administrative and other remedies to contest the placing of the Playmore/Bowery Road Historic District on the National Register.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. Members of the public were invited back into the meeting room by the Clerk.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND CARRIED TO RETAIN THE LAW FIRM OF POYNER & SPRUILL TO PURSUE ADMINISTRATIVE AND OTHER REMEDIES TO CONTEST THE PLACING OF THE PLAYMORE/BOWERY ROAD HISTORIC DISTRICT ON THE NATIONAL REGISTER. Comms. Sossomon, Patterson, Sanders, and Cavender voted "aye;" Comm. James voted "nay," commenting that he had mixed feelings.

V. Reports.

1. The Mayor reported that he and other Commissioners had attending the grand opening of the Performing Arts Center on Saturday, June 16; he said it was a great facility and had been an outstanding event.

He also reported that he had attended a League of Municipalities Board of Directors meeting that morning in Raleigh, and had learned that municipalities would probably not be receiving certain State reimbursements. The Senate and the House were both proposing budget cuts, and many programs would suffer. He said that one alternative being considered was a one-cent optional sales tax.

2. The Town Administrator reported that the bid opening for the Bowery Water Project has been scheduled for 2:00 p.m. August 1; attorney Kim Coward had assured him that a deed from Northland for the water tank lot would be received before that date. He also said that he had contacted Fish & Wildlife Associates consultant John Boaze, who had reported that sediment samples had been taken in Big Creek and one storm event had been recorded to date. He also reported that the resident at the corner of Spring Street and Fourth Street had requested that an additional parking space be marked out on Spring Street due to visibility problems when exiting from his driveway; he asked the Street Committee to review the request, and they agreed to do so. Finally, he reported that the details of consolidated tax billing and collection with Macon and Jackson County were being worked out, with tax bills from both counties scheduled to go out in July.

VI. Old Business.

1. The Board had agreed at the previous meeting to discuss an inquiry from Highlands-Cashiers Hospital concerning annexation and water service. Comm. James reminded the Board that he and Comm. Sossomon had met with several officials on May 31 and discussed the possibility of obtaining grant funds for funding of a proposed water line to the hospital, as discussed at previous meetings. The hospital had inquired into submitting a petition for satellite annexation several months ago, consistent with Town policy that required annexation before providing water service. He felt that it did not make sense to seek grant funds for the water line unless

the question of annexation and provision of water by the Town had been resolved.

Clem Patton was present and affirmed that the Hospital was interested in obtaining water from the Town, and would also be delighted to be annexed.

Comm. Sanders asked how long the annexation policy had been in effect; he asked about two connections for the Rucker property outside of Town which had been approved by the Board recently. Comm. James explained that the policy had been effect for at least 20 years, and applied to new areas, not areas where there were previous commitments. Comm. Sanders said that he had a lot of questions about annexation, such as how much tax money would be received. Comm. Patterson also wondered about the tax revenue from Chestnut Hill.

Comm. James and the Clerk remembered that this information had been provided several months ago. The Mayor asked if it could be gathered again and distributed to the Board for review, and the Clerk agreed to do so as soon as possible. Comm. Cavender expressed concern over the possibility of development along US-64 between the Town and the Hospital as a result of extending water service; he commented that it would be creating a whole new ball game.

VII. New Business.

1. Two sealed formal bids had been received, on second advertisement, for the year's paving; the bids were opened by the Mayor and read, as follows:

- APAC Carolina Inc.....\$73,610.64
- Rhodes Brothers Paving Inc.....70,119.15

Town Engineer Lamar Nix said that he had not yet been able to locate the property lines on Poplar Street adjacent to the Conference Center; he asked if the Board wanted to install diagonal parking, which would require the Town to build up the shoulder of the road, or parallel parking. The consensus of the Board was to install parallel parking.

The Board also agreed by consensus to delete Proposal No. 4 from the bid, US-64 from Main to Pine Street, due to the patching job recently completed by the D. O. T.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO ACCEPT THE LOW BID.

2. Two sealed formal bids had been received, on second advertisement, for the addition to the Fire Department building; the bids were opened by the Mayor and read, as follows:

- Larry Rogers Construction Co.....\$372,000
- R.G.E. Associates.....249,750

The Clerk said that the low bid was considerable under budget, and he recommended that it be accepted contingent on review.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ACCEPT THE LOW BID, CONTINGENT ON REVIEW BY THE CLERK, THE FIRE CHIEF, AND THE ARCHITECT.

3. MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO RE-SCHEDULED THE JULY 4 MEETING TO JULY 11 DUE TO THE HOLIDAY.

4. Three sealed informal bids had been received on the Recreation Department's surplus John Deere tractor; they were opened and read, as follows:

- James H. Keener.....\$806.00
- Wymer Bryson.....500.00
- Alan Marsh.....251.00

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

CARRIED TO SELL THE SURPLUS EQUIPMENT TO THE HIGH BIDDER.

5. Town Engineer Lamar Nix reported that in his opinion two guardrails would be required in the Town Hall parking lot/access road and behind the Fire Department, due to the excavation of Maple Street. He also recommended installing a third guardrail at the switchback on the road to Little Bearpen. The cost to install all three would be \$9625.00. The Treasurer reported that this was not part of the Maple Street Project budget, but that there would be adequate funds in the Street Department for this item in the coming budget year.

Comm. James expressed concerns over the guardrails on Little Bearpen; he thought that unless installed correctly, they could undermine the road. Comm. Sossomon also said he would not vote for the Little Bearpen guardrail, commenting that he liked it the way it was.

MOVED BY COMM. JAMES, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO INSTALL ONLY THE MAPLE STREET GUARDRAILS.

6. Cemetery Superintendent Lamar Nix reported that the Cemetery Committee had met and recommended installing a columbarium to contain the ashes from cremations at the Cemetery. He said that there was an increasing demand for a place to install cremation urns in the Cemetery, which were often interred in regular lots; a columbarium would save space. He outlined the location and type recommended, and said that the cost of installing a 20 X 30 retaining wall would be \$4600, and the cost of a 48-niche columbarium would be \$6912; he recommended proceeding with a single columbarium now, with the possibility of another unit at some time in the future. The Treasurer said that \$30,000 had been provided for in the Cemetery Fund budget for this capital expense in the coming budget year.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO APPROVE ONE 48-NICHE COLUMBARIUM AND THE RETAINING WALL AS RECOMMENDED BY THE CEMETERY COMMITTEE.

The Board agreed to defer a decision on the price for a niche in the columbarium until installation had been completed.

7. The Board then considered several budget items in a Work Session, beginning with the following requests:

- Highlands Historical Society (Last year \$10,000).....\$15,000
- Hudson Library (Last year \$12,000).....12,000
- Peggy Crosby Center (No request last year).....20,000
- Macon County Humane Society (Last year \$3,000).....3,000

MOVED BY COMM. CAVENDER, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE ALL FOUR OF THE FOREGOING REQUESTS IN THE AMOUNTS REQUESTED.

The Board then discussed a request for an Administrative Assistant for the Zoning Administrator. Maureen Lackey was present and said that she did not want to request something that would be a problem, but that the Town Administrator had indicated in a report to the Board on the position that she had a lot of time on her hands and did not need any help. She said that she was extremely busy, especially with enforcing the watershed and soil erosion regulations; she did not believe these regulations had been enforced in the past, and felt that it was a big issue for the Town of Highlands. She felt that she was giving as much as she could give each day.

Comm. James said that he had reviewed reports prepared by both Ms. Lackey and the Town Administrator, and he pointed out that the latter had recommended against the position.

Richard Betz said that he disagreed that the watershed and soil erosion regulations had not been enforced in the past; he said that he, Shannon Baldwin, Eddie Madden, and Kathleen Snyder had all enforced these regulations with only a single person in the position. He agreed that they were important regulations to enforce.

The Mayor asked if the Board wanted to consider conducting a performance study; he said that he understood an expert could be retained to study workload and determine how many persons would be needed to fill this position, as well as others in the Town Office, for a cost of approximately \$10,000.

Comm. Cavender said he did not know if extending the Town's ETJ would place any additional demands on the position. But he reported that he had talked to former Zoning Administrator Eddie Madden about the workload, and Mr. Madden had told him that he had not felt that he had needed any extra help and would not have benefitted from an Assistant. He felt that Ms. Lackey was an enthusiastic employee and was doing a good job, but that the Board should wait another year and see if the responsibilities increased.

MOVED BY COMM. CAVENDER, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO DENY THE REQUEST.

The Board then considered the Cost of Living Allowance of 4% recommended by the Treasurer in the FY 01-02 Budget. The Mayor asked about other options for providing incentive to lower-paid employees. The Treasurer said that three options that had been suggested might be to provide a cash bonus upon completion of the probationary period, amend the longevity table to provide for eligibility for increases, or provide a bonus at budget time.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE A 4% COST OF LIVING ALLOWANCE FOR ALL FULL-TIME EMPLOYEES.

8. MOVED BY COMM. PATTERSON, SECONDED BY COMM. SANDERS, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318(A)(6) TO REVIEW APPLICATIONS FOR EMPLOYMENT AND INDIVIDUAL SALARIES. All present left the room except the Clerk and the Public Services Administrator. Ms. Lackey left the room, returned during the Closed Session and placed a letter on the table, and then left the room again.

- A. The Board reviewed a report prepared by the Town Administrator containing his salary recommendations for the coming fiscal year, as presented at the May 16 Board meeting; the recommendations included four grade changes, two new grades, and several step increases based on a combination of merit and longevity.
- B. The Board reviewed applications from Elaine Webb, Gary McCall, and Randy Thrift with the Public Services Administrator. Mr. Nix recommended transferring Elaine Webb from the Trimming to the Sanitation Department at the same rate of pay, transferring Gary McCall from the Recreation Department to the Meter Reader position at a beginning salary of 8-1, and employing Randy Thrift in the Street Department at a beginning salary of 9-1 contingent on completion of the driving portion of his CDL License.

MOVED BY COMM. JAMES, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION.

9. MOVED BY COMM. PATTERSON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO TRANSFER ELAINE WEBB FROM THE TRIMMING TO THE SANITATION DEPARTMENT AT THE SAME RATE OF PAY (10-2 TO 9-4), TRANSFER GARY MCCALL FROM THE RECREATION DEPARTMENT TO THE METER READER POSITION AT A BEGINNING SALARY OF 8-1, AND EMPLOY RANDY THRIFT IN THE STREET DEPARTMENT AT A BEGINNING SALARY OF 9-1 CONTINGENT ON COMPLETION OF THE DRIVING PORTION OF HIS CDL LICENSE.

The Town Administrator reported that he and the Recreation Director had been discussing contracting the cleaning of the Civic Center, rather than filling Gary McCall's position should he have been

transferred; he said that they would be bringing proposals for cleaning the building to the next meeting.

10. MOVED BY COMM. SOSSOMON, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE THE FOLLOWING SALARY CHANGES AS RECOMMENDED BY THE TOWN ADMINISTRATOR, IN ADDITION TO THE COST OF LIVING ALLOWANCE APPROVED EARLIER IN THE MEETING:

<u>Employee</u>	<u>New Grade-Step</u>	<u>New Classification Title</u>
Geraldine Crowe	15-13*	
Hilda Brown	12-1*	
Todd Ensley	13-5	
Wade Wilson	16-6*	
Jimmy Mull	14-3	
Stanley Houston	12-10	
Kenneth Norris	9-4	
Wayne Johnson	9-9	
Roy Henry	10-3*	Asst. Street Superintdnt.
Craig McCall	20-13*	
Greg James	19-13*	Line Crew Chief
Clay Talley	18-13	
Selwyn Chalker	19-8	
Wymer Bryson	7-9	

* New Pay Grades

11. The Board read and discussed the letter that Maureen Lackey had delivered during Closed Session.

12. The Clerk distributed copies of the preliminary Court of Appeals ruling in the Town v. Edwards et. al. 4½/Poplar Street matter, which he had received from the Town Attorney earlier in the week.

VIII. MOVED BY COMM. SANDERS, SECONDED 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 9:30 p.m.

Richard Betz, Town Clerk