

REGULAR BOARD MEETING of March 21, 2001, with Mayor Buck Trott and Commissioners Zeke Sossomon, Amy Patterson, H. N. James, and Mike Cavender present. Comm. Sanders was not present.

Also present were Richard Betz, Bill Coward, Maureen Lackey, Lamar Nix, Morris Williams, Anne Deville, Kim Lewicki, Don Hendershot, Jodie & Caroline Cook, Peter & Joan Jefferson, Nin Bond, David Johnston, 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 Clerk asked that one item of New Business be deleted: Additional parking for Performing Arts Center Inc.

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 7 Regular Board Meeting had been distributed by mail. The Clerk noted two typographical errors.

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

IV. Reports.

1. Mayor Trott commended the Public Services Departments and the Town Office staff on their capable action during the recent snowstorm.

He also reported that he had attended the Mountain Area Legislative Conference two weeks ago. The Conference, sponsored by 12 organizations in Western North Carolina called Mountain Area Partners, hosted briefings and meetings with legislators. He also noted that thus far local government reimbursements had been unaffected by the State budget crisis.

He also reported that he, the Town Administrator, and other Franklin and County officials had attended a luncheon meeting in Franklin earlier in the day hosted by Jerry Sutton to meet the new D. O. T. Highway Commissioner, Conrad Burrell.

He also reported that the new cooling unit had been received at the Recreation Park and would be installed over the next few weeks.

2. The Town Administrator reported that he had spoken to Bronce Pesterfield, the engineer for the NC-106 Sewer Project, and there was no sidewalk included in the plan; the question had been asked at the previous meeting. Pending receiving a permit from the State, it was expected that bids could be received on April 25.

He also reported that he had forwarded the Impoundment Draining Ordinance adopted at the previous meeting to County Planner Joe Stark; he understood that it was being reviewed by staff and would be presented to the County Board of Commissioners in the near future.

He also reported that he had not yet received all of the proposals requested for property/liability insurance, and would have to renew the current policy for another month.

V. Old Business.

1. The Board again discussed the proposal received from Fish &

Wildlife Associates for monitoring in Big Creek below Randall Lake. The Town Administrator reported that he had spoken to John Boaze about the possibility of using data gathered by William McLarney; Mr. Boaze had explained that Dr. McLarney was not certified. Mayor Trott felt that the goal of the study was to monitor changes in sediment in the stream, rather than conduct fish and benthic sampling; he asked Jodie Cook for his opinion on the proposal. Mr. Cook agreed that the sedimentation portion of the study rather than biological data should provide the necessary information. After additional discussion, it was agreed that the Town Administrator should request a revised proposal consisting only of storm event monitoring, stream channel evaluation, freeze core sampling, and report preparation.

2. The Board again considered a request for a sign at the Performing Arts Center on Chestnut Street which was proposed to be located within the right-of-way of that street; all had had the opportunity to look at the proposed location. Peter Jefferson was present, and explained that the landscaped area in front of the building was intended to provide a drop-off area for older or disabled people; it was almost the only area in which to place a sign. He reviewed the plans with the Board, which included two handicapped parking spaces also located within the right-of-way; there were to be no curbs in these areas.

MOVED BY COMM. JAMES, SECONDED BY COMM. CAVENDER, AND UNANIMOUSLY CARRIED TO APPROVE THE SIGN CONTINGENT ON EXECUTION OF A REVOCABLE LICENSE AGREEMENT WITH THE PERFORMING ARTS CENTER INC.

VI. New Business.

1. Nin Bond read a report to the Board, copies of which he distributed at the meeting, on behalf of Highlands Cable Group. The report summarized the Group's work thus far toward fulfilling the Franchise Agreement of May 6, 1998, which required that \$1.2 million in funds and assets be on hand to complete construction. Mr. Bond said he would be meeting with the Town Administrator shortly to demonstrate that the funds were available. However, because of unforeseen delays with Duke and Verizon takeovers and a delay in the installation by Duke of new poles, he requested that the Board extend the time for Highlands Cable Group to provide its service to the Town for an additional 24 months.

Public Services Administrator Lamar Nix asked if Mr. Bond had considered the considerable number of pole change-outs in Town. Mr. Bond replied that he had.

The Town Administrator recommended that he and the Town Attorney review the request in terms of the Franchise Agreement and report back at the next meeting, and the Board agreed by consensus.

2. Pursuant to advertisement, informal sealed bids had been requested for several pieces of surplus Town equipment. A total of twenty-nine bids had been received, and the Mayor opened them while the Town Administrator tabulated them; the high bids were as follows:

- 1988 Ford Ranger Pickup (Min. \$500): Tony Beasley.....\$1500
- 1981 FORD 3000 TRACTOR (Min. \$500): Roy Orr.....4612
- 1994 Ford Crown Vic. Police (Min. \$500): Leroy Carpenter...853
- 1988 FORD F-800 Dump (Min. \$1000): Tony Beasley.....2500
- 1984 FORD F-700 Dump (Min. \$1000): Johnny Billingsley.....2500
- 1988 GMC Bucket Truck (Min. \$1000): Ricky James.....2801

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE HIGH BID FOR EACH VEHICLE.

3. Each Board member had received copies of several amendments of the Rules and Regulations of the Junior Fireman Program, as recommended by the Highlands Fire & Rescue Department at their last meeting.

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

4. Each Board member had received a letter from the Zoning Board concerning the recent Highlands Country Club appeal, and a letter from the Town Administrator regarding that letter.

Bill Coward was present and recommended, as requested at the previous meeting, the following attorneys and/or law firms for the case:

- Bob Long - first choice
- Roe and Kelly - second choice
- Van Winkle
- Ed Bleynot

The Mayor stated for the record that the Town Board would support the Zoning Board and always had.

MOVED BY COMM. SOSSOMON, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED FOR THE MAYOR TO CONTACT THE FIRST AND SECOND CHOICE RECOMMENDATIONS OF THE TOWN ATTORNEY.

Zoning Board member Anne Deville was present, and before the Board went into Closed Session she distributed copies of a letter she had written to the Town Board and the Town Clerk.

5. 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 A POTENTIAL LAWSUIT AGAINST BILLY'S MOBILE HOME AND VERIZON WITH THE TOWN ATTORNEY. All present left the room except the Clerk, the Town Attorney, and the Public Services Administrator.

The Board discussed possible litigation against the foregoing parties as a result of an incident last year resulting in damage to the Town's electrical system. Action was deferred for the present time.

MOVED BY COMM. CAVENDER AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION.

VII. MOVED BY COMM. CAVENDER, SECONDED BY COMM. SOSSOMON, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:22 p.m.

Richard Betz, Town Clerk