

PUBLIC HEARING and REGULAR BOARD MEETING of June 21, 2006, with Mayor Don Mullen and Commissioners Alan Marsh, Amy Patterson, and H. N. James. Comms. Dennis Dewolf and Hank Ross were out of Town.

Also present were Richard Betz, Bill Coward, Lamar Nix, Larry Gantenbein, Bill Harrell, Kim Lewicki, Adam Thompson, Erika Olvera, Bill Rethorst, Rick Siegel, Jim Mullen, Rick Siegel, Bill Aaron, and others.

A. Public Hearing - variance request for road radius, D. E. Chandler Properties, Riverwalk Subdivision.

The Mayor called the Public Hearing to order at 7:00 p.m.

Town Planner Larry Gantenbein and Town Engineer Lamar Nix explained that the variance request involved several curves with a radius of 90 feet or more; the current D. O. T. standard for mountainous terrain was a minimum 90-foot radius rather than the 150-foot radius required by the Town's Subdivision Ordinance. Mr. Nix and Mr. Gantenbein said they were in the process of drafting proposed amendments bringing the Town standards into line with the new D. O. T. standards. Mr. Nix said he had no problem with the request and agreed with the State standards.

There were no further comments and the Mayor closed the hearing.

B. Regular Board Meeting.

I. Call to Order.

The Mayor called the Regular Board Meeting to order at 7:02 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Town Administrator reported that the application for conditional use zoning by Jordan Properties for the Highlands Suite Hotel had been withdrawn from the agenda earlier in the day. He also noted that the requested closed session to discuss personnel matters had been removed from the agenda. Bill Coward was present and the Board agreed to include in the closed session consultation with the Town Attorney on potential zoning litigation.

III. Approval of Minutes.

Copies of the minutes of the June 7 Regular Board Meeting had been distributed by mail. Comm. James requested that the minutes be clarified to indicate that the materials the Town would be providing for the Highlands School playground improvements would consist of 24" plastic pipe and four manholes. He also requested that the minutes indicate that the sidewalk for Charles Simmerson for the Werder property, which had been approved pursuant to the plans presented, include that there is to be a curb and gutter as well as a two-foot planting strip adjacent to the edge of the pavement. Comm. Patterson requested that the minutes indicate that, during the discussion of the Old Edwards Inn Satulah Village South project, Bronce Pesterfield had testified under oath that the 12-foot one-way loop-road cul-de-sac complied with the Town's Subdivision Ordinance.

MOVED BY COMM. MARSH, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS AMENDED.

IV. Reports.

1. The Mayor reported that he had learned that the Town still had a 50/50 chance of getting funding from the U. S.

Army Corps of Engineers for siltation in the lakes. He also reported that Macon County was apparently going forward with its lawsuit concerning proportional representation on the Zoning and Planning Boards. Town Attorney Bill Coward said that interrogatories had been sent by him some time ago, and he had just received a reply from the County attorney but had not yet had an opportunity to review them.

2. The Town Administrator distributed copies of a letter of resignation from John Cleaveland from the Planning Board and the Appearance Commission. He also understood that the Planning Board could meet with the Town Board at its second regular meeting next month, July 19, to discuss the B-3 amendment adopted at the previous meeting and the proposed B-5 ETJ Multi-Use District. The Board agreed to tentatively schedule a joint meeting for that date.

V. Old Business. None.

VI. New Business.

1. The Board reviewed a variance request submitted by D. E. Chandler Properties, subject of the public hearing immediately preceding this meeting. The Board again reviewed the plan, and Bill Turrentine was sworn by the Mayor. He testified that the developers had hired Reece, Hoopes, and Fincher, Land Planners and Landscape Architects, and they had recommended the road radiuses in order to make the project work. Seven of the road radiuses were 90 feet and the rest were over 100 feet, and all of the roads were private. It was reported that the Planning Board had unanimously recommended approval.

Comm. Patterson said she had no problem with the Town's Subdivision Ordinance following the State standards as long as she was certain they were applied correctly; she felt they were reasonable standards. The Town Engineer said that all of the roads complied with either the "local residential road" or "residential collector road" descriptions and standards. Comm. James said the Board had customarily approved grade and radius standards that complied with the State; he thought the Town should proceed with amending the Ordinance accordingly. He also noted that the main road would be improved.

The Mayor then read the four conditions required for a variance from the written application submitted. Comm. Patterson said that the fact that Riverwalk Drive was an existing road was a "special circumstance." Comm. James felt that protecting trees might justify the "preservation and enjoyment of a substantial property right." Comm. James also said he had no problem with the circumstances being "peculiar to the parcel." There was no testimony that the variance would be "detrimental to the public health, safety, and welfare, or injurious to other property in the territory."

MOVED BY COMM. JAMES, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO GRANT THE VARIANCE.

2. The Board discussed the Chamber of Commerce lease for the Conference Center which was expiring July 31. The Mayor said that discussions had been proceeding, but Dennis DeWolf was not present; he understood that estimates were still being made, and the preliminary estimate for repair of the building was \$50,000.

Jim Mullen said that he understood that the lease would automatically extend from month to month after termination of the lease in the absence of an agreement, and the Town Administrator agreed. He said that the Chamber Board had met last night and still had not arrived at a consensus about whether the building fits its mission as a Chamber of Commerce and a Visitors Center. There was a concern about its viability as a conference center since in reality it was as community center used for weekly Rotary luncheons, local wedding receptions, and similar functions. The Chamber had put \$65,000 into the building in 1993 and \$81,000 over the last five years, and with the loss of occupancy tax revenue from Old Creek Lodge, the Stewart House, and now possibly Highlands Suite Hotel, there was a concern over use of dwindling revenue for a facility that did not benefit tourists. Rick Siegel agreed; when they had looked at the numbers, they found a net loss of profit, and they at least wanted to break even. Comm. Patterson said she thought the focus for the proposed renovations would be making it more economical to use. Comm. James

suggested extending the lease another month while the Chamber decides what it wants to do.

3. The Town Administrator reported that the following informal bids had been solicited and opened on June 19:

Stone and Sand:

Bids were received from Bryson's Grading & Trucking and LBM Industries; LBM was the low bidder on crusher run and, on average, all other stone and sand delivered to the warehouse. He recommended awarding the contract to the low bidder, LBM Industries.

Fuel:

Bids were received from the Town's current supplier, Farmer's Market, and from Duncan Oil Company; Farmer's Market was the low bidder at 0.07 off the pump price. He recommended renewing the contract with Farmer's Market.

Tires:

Only one bid was received, from James Tire & Auto Service, the Town's current supplier. He recommended renewing the contract with James Tire & Auto.

In addition, he recommended renewing the following contracts:

Cleaning of Civic Center Building:

Manuela Frias Tosca, same as last year.

Cleaning of Town Hall:

Mobile Maids (Amy Dickerson); same as last year (updated to include upstairs of Town Hall mid-year).

Cleaning of Public Restrooms:

Stanfield Janitorial; the cost increased \$30/month due to increased cost of insurance and fuel.

Communication Equipment Service:

The cost increased from \$4416 to \$4560; two-year contract expires June 30, 2006.

Preventive Maintenance at Highlands Civic Center:

Integrated Building Services; cost the same as past year.

MOVED BY COMM. JAMES, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE FOREGOING CONTRACTS

4. The Board agreed to forward nominations for the vacancy created on the Appearance Commission by the resignation of John Cleaveland to the Town Administrator for tabulation before the next regular meeting.

5. **MOVED BY COMM. MARSH, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO GO INTO CLOSED SESSION PURSUANT TO G. S. §143-318.11(A)(6) TO REVIEW AN APPLICATION FOR EMPLOYMENT FOR A POLICE PARKING ENFORCEMENT OFFICER, AND PURSUANT TO G. S. §143-318.11(A)(3) TO CONSULT WITH THE TOWN ATTORNEY ON POSSIBLE LITIGATION.** All present left the room except the Clerk, the Town Attorney, and the Police Chief.

A. Bill Harrell reported that Chris Allen had resigned to take a position as an EMT, and he reviewed an application for employment from Erika Olvera for Police Parking Enforcement Officer; he recommended employing her at a salary of 9-3. The Town Administrator also recommended employing her, but at the starting salary of 9-1 consistent with policy.

B. The Board consulted with Town Attorney Bill Coward on possible litigation.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO GO INTO OPEN SESSION. The public was invited back into the meeting room.

6. MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO EMPLOY ERIKA OLVERA AT A SALARY OF 9-2 (\$22,366). Comm. James said that he had voted in favor of the motion but expressed concern over departure from policy. Comm. Patterson said she felt the candidate brought a lot of qualifications to the table which went beyond parking enforcement.

7. Comm. James asked if the Town Administrator had written a letter as requested at a previous meeting requesting that the County fund the School Resource Officer position; he replied that he had not, but that he had discussed this with Comm. Bryson, who had suggested that the Town make the request next year. Comm. James asked that such a letter be written, and the Town Administrator agreed to do so.

8. The Police Chief had neglected to request earlier that Chris Allen be retained as an Auxiliary Parking Enforcement Officer.

MOVED BY COMM. MARSH, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE EMPLOYING CHRIS ALLEN AS AUXILIARY PARKING ENFORCEMENT OFFICER AT AN HOURLY RATE OF 9-1 (\$21,820).

VII. MOVED BY COMM. MARSH, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:30 p.m.

Richard Betz, Town Clerk