

## **REGULAR MEETING OF THE TOWN BOARD OF COMMISSIONERS OF AUGUST 2, 2011**

Town Board Present: Mayor David Wilkes, Vice Mayor John Dotson, Commissioner Larry Rogers, Commissioner Gary Drake, Commissioner Amy Patterson and Commissioner Dennis DeWolf.

Also Present: Interim Town Manager Robert Zoellner, Police Chief Bill Harrell, Recreation Director Selwyn Chalker, Town Engineer Lamar Nix, Town Clerk Rebecca Shuler, MIS/GIS Director Matt Shuler, Interim Planning Director Josh Ward, Town Attorney William Coward and Recording Secretary Jane Capman.

### **1. Call to order**

Mayor David Wilkes called the meeting to order at 7:02 p.m.

### **2. Public Comments**

There were no public comments.

### **3. Adjust and Approve Revised Agenda**

Mayor Wilkes advised that Agenda item 9 (Discuss Ordinance Forbidding Firearms on Town of Highlands Property) should be titled Discuss Ordinance Forbidding Firearms on Town of Highlands Recreation Property.

As there were no further changes or additions, Vice Mayor John Dotson moved to approve the Revised Agenda, which was seconded by Commissioner Amy Patterson and was unanimously approved.

### **4. Approve Minutes of July 11, 2011, July 14, 2011 and July 20, 2011**

#### **Minutes of July 11, 2011**

Commissioner Dennis DeWolf moved to approve the Minutes of July 11, 2011, which was seconded by Commissioner Gary Drake and was unanimously approved.

#### **Minutes of July 14, 2011**

Commissioner Gary Drake moved to approve the Minutes of July 14, 2011, which was seconded by Commissioner Larry Rogers and was unanimously approved.

#### **Minutes of July 20, 2011**

Commissioner Amy Patterson moved to approve the Minutes of July 20, 2011, which was seconded by Commissioner Gary Drake and was unanimously approved.

### **5. Reports**

#### **A. Mayor**

Mayor Wilkes attended the re-dedication of the Hudson Library and thanked everyone for their work.

## **B. Commissioners & Committee Reports**

The Public Safety Committee discussed the Red Flag review regarding the standard operating procedures for the police department. Police Chief Harrell advised that the policy presently in place is not current, needs to be upgraded and brought up to compliance with state laws. Funds have already been appropriated for this matter. The Town Board tabled this item to be placed on the agenda for the next regular meeting.

### **6. Comprehensive Transportation Plan Presentation by Ryan Sherby, Regional Planner – Southwestern Commission**

Ryan Sherby of the Southwestern Commission made a presentation to the Town Board advising that he is a liaison between the Department of Transportation and elected officials and discussed the Draft Comprehensive Transportation Plan 2011 for Macon County, Franklin and the Town of Highlands. Discussed were the overview of the planning process, review of the plan, the adoption process, the RPO and prioritization. Mr. Sherby explained the historical overview of the committee members, stating that in June of 2009 the first meeting was conducted of the transportation steering committee. In October 2009, the public survey was closed and in August of 2010 a public workshop was held and the work to date was presented. On March 24, 2011, the draft plan was presented to the public.

Although many projects will take place in the Franklin area, Mr. Sherby highlighted the future plans for Highlands and its corridors such as:

- US 23-441 (Georgia Road) US 64 to Prentiss bridge Road
- US 64 – NC 27 from US 23 – 441 to Buck Creek Road
- Buck Creek Rd from NC 28 to US 64
- NC 106 from US 64 to Georgia State Line

Discussion was had as to the new bus route between Franklin and the Town of Highlands utilizing US 64 – NC 28 and Buck Creek Road and bicycle lanes on NC 106 from the Georgia State Line to US 64 and Fifth Street from Horse Cove Road to Highlands School. Pedestrian walkways were also discussed and the information provided showed a project from Oak Street from US 64 – NC 28 to First Street.

The Town Board and public present reviewed draft maps (Adoption Sheet, Highway Maps, Bicycle Map, Pedestrian Map, and Public Transportation and Rail Maps).

The Board inquired as to the work (sidewalk) to be completed to the Bascom as it was not clear on the maps and Mr. Sherby stated that he would obtain the necessary information as it was shown as completed when in fact it was not.

Alice Nelson inquired of the bus route, wanting clarification, and if there would be any condemnation of properties. Mr. Sherby explained the goals of the projects and as to condemnations, he stated that he did not have any right of way information available.

As there was no further discussion, Mayor Wilkes thanked Mr. Sherby.

### **7. NC Small Town Design Committee Wayfinding Presentation, Ran Shaffner, Chairman**

Ran Shaffner presented the below proposal to the Town Board for review, consideration and approval:

HIGHLANDS WAYFINDING SIGNAGE  
PROJECT PROPOSAL AND BUDGET FOR FALL-SPRING, 2011-12  
SUBMITTED BY LEW HOLLOWAY, SMALL TOWN MAIN STREET FACILITATOR,  
AND THE STMS DESIGN COMMITTEE OF HIGHLANDS

DESCRIPTION:

Throughout the first year of the Small Town Main Street Program in Highlands the challenge of navigating downtown was raised by a variety of participants in the program. As the committees investigated ways to deal with this issue wayfinding signage was discussed. This has become a high priority project for the larger committee and the primary activity for the STMS Design Sub-Committee. As such they are pursuing consultant assistance to guide the process.

EXECUTIVE SUMMARY:

Objective: To design, locate and implement a comprehensive wayfinding signage program for downtown Highlands. When complete the new signage will assist visitors and residents in navigating downtown and locating essential features.

Goals: The Highlands Main Street Committee foresees the need for an open process that can engage the community on the development of the wayfinding signage.

1. Create a transparent open design process that creatively seeks to identify the look of wayfinding signage for downtown.
2. Establish design parameters for the signage. Where, what, etc?
3. Have implementable design concepts by fall of 2011
4. Begin phased installation by winter/spring 2012.

Solution: Conduct a design charrette. A multi-day on-site and interactive design process, the charrette venue will allow the community and design team, an open forum in which to explore a conceptual design solution.

Consultant's Role: A primary contact to the Design Committee and Charrette Planning Committee, the consultant will meet with the group as needed.

1. For preplanning of charrette details and to identify additional design assistance (2-3 meetings foreseen).
2. To provide primary charrette facilitation for the community, guiding the interactions between designers and community members to work towards an implementable conceptual design (3-4 day design charrette).
3. Produce a charrette **OVERVIEW DOCUMENT** to give the town something to share with those who were not able to attend, explaining process and outcomes (within one to two weeks of charrette completion). **INITIAL CONTACT WITH SIGN MANUFACTURERS.**

4. Post Charrette implementation to work with the Design Committee to identify sign manufacturer's and to assure accurate implementation of design intent (as needed, 3-5 meetings?).

(1) COST OF RETAINING LEW HOLLOWAY, STMS FACILITATOR = \$5,050 - \$6,750, as follows:

<u>Activity</u>	<u>Cost</u>
Planning and follow-up Meetings (Highlands)	Approximately \$350 plus meals per visit
Charrette Preparation (Office)	\$1,100 (20 hrs. @ \$55/hr)
Charrette Facilitation (Highlands)	\$2,500 (40 hrs. @ \$55/hr plus meals)
Production of Charrette Overview (Office)	\$1,100-\$1,650 (20-30 hrs. @ \$55/hr)

Approximate Total Cost = \$5,050-\$6,750

[The higher figure allows for 3 or 4 follow-up meetings, as noted above]

(2) COST OF USING GRAPHIC DESIGNERS = \$8,000 - \$10,000, as follows:

Additional designers may be needed to pull off the charrette & will participate only in th charrette.

Cost of using graphic designers: \$8,000 to \$10,000

**SUMMARY: TOTAL COST OF AN OVERVIEW DOCUMENT AND CONTACT WITH SIGN MANUFACTURERS:**

Retaining Lew Holloway for STMS guidance = \$5,050 to \$6,750

Using graphic designers during the design process = \$8,000 to \$10,000

Total cost of planning, designing, & implementing wayfaring signs for Highlands: \$13,050 to \$16,750

Cost to manufacture the signs is unknown and depends on the number and type of signs required.

A handout of good and bad signs were handed out to the Town Board that showed the present state of signs within the Town. The Board and Mr. Shaffner discussed the graphic design, time frame, costs, fiscal year budgeting and signage. Mr. Shaffner advised that it was just not the appearance of the signs but those signs would help in locating a business. Discussion was had also as to the town providing lodging and meals. Mr. Shaffner advised that he and his wife would house Lew Holloway, at no cost to the town. Mayor Wilkes advised that he would provide the meals.

Town Attorney Coward discussed compliance within the Town's ordinances and state statutes. Staff was directed to look at the Town's present signs.

After further discussion, Commissioner Dennis DeWolf moved to approve the Wayfinding Signage Project Proposal and Budget for Fall-Spring 2011-12 submitted by Lew Holloway, Small Town main Street Faviliator and the STMS Design Committee for a goal of \$13,050 but not to exceed \$16,750.00 with the exclusion of meals, which was seconded by Commissioner Gary Drake and the vote of unanimous.

**8. Approve Closing a Portion of 4 ½ Street on September 13, 2011 from 5 p.m. to 8 p.m.**

Rick Siegel of The 4 ½ Street Inn and Chris Alley of the Colonial Pines Inn presented the following request to the Town on July 17, 2011:

*On behalf of the 4 ½ Street Inn and Colonial Pines Inn, we request permission to close off a portion of 4 ½ Street between the two Inn buildings for a joint anniversary celebration on Tuesday, September 13, 2011 from 5 to 8 pm.*

*The area we are requesting to be closed falls from just North of the Fouts driveway to just South of the 4 ½ Street Inn driveway. This closure would not block any private driveways, and would create a corridor for safe flow of pedestrians back and forth between the two Inns during the celebration.*

There was no representative from either The 4 ½ Street Inn or Colonial Pines Inn to address the Board but Police Chief Bill Harrell discussed access for emergency vehicles.

Discussion was had as to any costs that the town would have to bear and if all of the neighbors effected had been contacted.

Commissioner Gary Drake suggested that this matter be tabled until a representative could come before the Board to discuss this matter. Mayor Wilkes agreed and this matter was tabled until the next regular meeting to afford the representatives an opportunity to appear before the Board and to provide the Board with letters from neighbors advising of no objection to the closing of a portion of 4 ½ Street.

**9. Discuss Ordinance Forbidding Firearms on Town of Highlands Recreation Property**

Police Chief Bill Harrell advised the Town Board that due to a recent incident at the recreation park, a measure to prevent firearms at the park is needed. Presently the Police Department is powerless to request persons to leave the park should they have firearms. Police Chief Harrell advised that this measure would not affect concealed weapons.

Town Attorney William Coward along with Police Chief Harrell will work together to define policies and will bring back a recommendation to the Town Board at its next regular meeting.

**10. Approve Radio Read Water Meter Resolution for LCG**

The below Resolution was presented to the Town Board for review and approval:

**RESOLUTION  
RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION  
FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY  
NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the Town of Highlands, North Carolina (the "Town") desires to purchase and install "radio read" water meters for all customers of the Town's water system (the "Project") such that water usage can be monitored and billed accurately and efficiently; and

WHEREAS, the Town desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HIGHLANDS, NORTH CAROLINA, meeting in regular session on the 2<sup>nd</sup> day of August, 2011, make the following findings of fact:

1. The proposed contract is necessary or expedient because the existing water meters are out of date and prone to failure and incorrect readings, which leads to significant loss of revenue to the Town. The Town expects to have to replace a substantial portion of meters as they fail, and replacing them with efficient "radio read" meters if a more efficient use of resources.
2. The proposed contract is preferable to a bond issue for the same purpose because:
  - a. the estimated cost of the Project (\$817,518.56) exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the Town in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State (the "two-thirds limitation"); and
  - b. the contract method of financing is preferable to a non-voted general obligation bond issue, a voted general obligation bond issue or a revenue bond issue because the contract method is more expedient and less expensive:
3. The cost of financing under the proposed contract is less than the cost of issuing general obligation bonds because:
  - a. the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds;
  - b. the time required for a general obligation bond election would cause an unnecessary delay, which would thereby decrease the financial benefits of the Project; and
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because:
  - a. most of the material to be purchased for the Project was subject to bidding, and the Town accepted the lowest bid;
  - b. the outside contractor will be doing the easiest and fastest part of the installation (3 months) and regular Town employees will be doing the most difficult, expensive and time-consuming portion of the installation work, at no additional labor cost to the Town.
5. The Town's debt management procedures and policies are good because:
  - a. the Town's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act;

b. external auditors have determined that the Town has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget Ordinance;

c. past audit reports of the Town indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law; and

d. the Town has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies.

6. The Town anticipates that no tax increase will be required to pay installment payments falling due under the Contract.

7. The Town is not in default in any of its debt service obligations.

8. The attorney for the Town has rendered an opinion that the proposed Project is authorized by law and is for a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

9. The probable net revenues of the Project to be financed will be sufficient to meet the sums to fall due under the proposed contract, as a result of reduced labor costs needed to read and collect usage information and additional revenue from accurate meters that do not under bill customers.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Manager is hereby authorized to act on behalf of the Town in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This Resolution is effective upon its adoption this 2nd day of August, 2011.

The motion to adopt this resolution was made by Commissioner Amy Patterson, seconded by Commissioner Gary Drake and passed by a vote of 5 to 0.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Town Clerk

This is to certify that this is a true and accurate copy of Resolution No. 2011-06-Res adopted by the Board of Commissioners of the Town of Highlands on the 2nd day of August, 2011.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

Interim Town Manager Robert Zoellner discussed interest rates for five years financing stating that he did not see why it should be more than that. Also discussed were revenue and the Town's present budget. The Board further discussed the options of passing the resolution to keep financing options open.

As there was no further discussion, Commissioner Amy Patterson moved to adopt the Radio Read Water Meter Resolution for LCG, which was seconded by Commissioner Gary Drake, and the vote was unanimous.

**11. Discuss Setting Date for Joint UDO Review Meeting**

Interim Planning Director Josh Ward stated that the meeting will be set for August 22, 2011 at 5:30 p.m. at the Community Building. It will be a joint meeting with the Town Board and the Planning Board.

**12. Discuss / Approve Waiting Period for Insurance for New Hires**

The following information was sent by Michael A. Norris, of Wayah Employee Benefits a Division of EbenConcepts Company, Inc., and presented to the Town Board for review and consideration:

1. Change the waiting period for new employees (hired on or after 01 September) to be consistent for medical, dental, life, and disability. The first of the month is preferred administratively. Therefore, the first following 30 days is a good date.
2. Approve a change in next year's renewal of medical, dental, life, and disability plans to 01 July.

The waiting period change needs to be communicated in writing to BCBS on Wednesday, 03 August. Pat Bennett has the paperwork ready for signature, except for the waiting period. Upon notice, we will fill in the waiting period and get the paperwork to Sonjia for signature. We will also prepare the wording for a letter to Guardian.

Regarding the ten month plan year, 01 September 2011 – 30 June 2012, BCBS will handle it in the following way. The BCBS system will show September 2011-August 2012. However, they will accept a letter from the Town, dated 01 February 2012, requesting the year stopped at 30 June and a renewal for 01 July 2012 – 30 June 2013. Asking BCBS to handle it in any other way will botch things up. We will assist Sonjia in reminding employees that their plan deductible and benefits run until the end of June and starts over July 1<sup>st</sup>.

The Town Board discussed deductibles and the necessity of taking a look at current healthcare coverage changes. After further discussion, it was decided that item number 2 (Approve a change in next year's renewal of medical, dental, life, and disability plans to 01 July) would be tabled as there was a need for clarification.

Commissioner Gary Drake moved to approve the changing of the waiting period for new employees (hired on or after 01 September) to be consistent for medical, dental, life, and disability, which was seconded by Vice Mayor John Dotson and was unanimously approved.

**13. Approve Macon County Multi-Jurisdictional Hazard Mitigation Plan**

The Town Board of Commissioners approved the Macon County Multi-Jurisdictional Hazard Mitigation Plan at the Regular Board of Commissioners Meeting on February 17, 2010. The Federal Emergency Management Agency returned the plan back to Macon County to add some definitions and to clarify some issues regarding their development process. The plan is available on the Town's website.

It is recommended that the Town Board approve the updated Macon County Multi-Jurisdictional Hazard Mitigation Plan.

Interim Town Manager Robert Zoellner recommended approval. Town Engineer Lamar Nix advised that the plan will be good for the Town of Highlands.

As there was no further discussion, Commissioner Amy Patterson moved to approve the Macon County Multi-Jurisdictional Hazard Mitigation Plan, which was seconded by Commissioner Dennis DeWolf and the vote was unanimous.

#### **14. Discuss Methodist Church proposed rerouting portion of Church Street Alley**

Jeff Weller of Summit Architecture, PA presented the following Alley Rerouting Request to the Town Board for review and consideration:

*The Highlands United Methodist Church is requesting the Town of Highlands to reroute the Alley behind the Church. As the Church has presented before, their proposed plans are to build a Faith and Fellowship Center on the 1.99 acre property they own on Spring Street and Third Street. They plan to add on the needed Facilities in order to remain as a main Street Church for a very long time to come.*

*As part of this proposed Project, they are asking to reroute the Alley so that they can make a connection of their Main Street and Spring Street properties without crossing over a Public Right of Way. There are certainly advantages for this connection to be made for the Church, but their primary concern is the safety of members, especially children, cross the current Alley. The new Facilities are intended to include a Fellowship Hall as well as Classrooms for the Children and Youth of the Church and Community. Therefore, the Methodist Church has a concern about the safety when crossing over the Alley.*

*The Church is asking for approval to reroute the alley. They are not asking for the Town to participate in the work financially. The Church would bear all of the expense of the construction of the new Alley section as well as the required Utilities changes. We have included plan that outline the Utilities and Alley Construction changes.*

*I will be at the Town Board Meeting and will be glad to answer any additional questions that the attached drawings and details might not answer for each of you. We appreciate your consideration of the proposed Alley rerouting.*

The Town Board was presented with Drainage, Parking/Loading, Water Line, Electric and Truck Traffic Site Plans.

Town Engineer Lamar Nix presented the Town Board with the following information:

The proposed plan prepared by Summit Architecture, PA dated June 3, 2011 was reviewed and the following items were discussed for consideration of the Town Board and the United Methodist Church.

1. Drainage: At present, there is not a stormwater drainage system in this section of Church St. Alley. The roadway acts as the drainage system in the area of the proposed relocation. A drainage plan would need to be prepared, reviewed, and accepted.
2. Water Distribution System: The proposed plan would make it necessary to remove a section of the 2" water main in the alley. This would create two "dead-end" sections of water main that is currently a "loop" the system at a future date.
3. Electrical Distribution Plan: The proposed plan would make it necessary to relocate the overhead distribution system from the Alley closure to Spring Street using the proposed relocation route. This relocation would need a minimum of four new poles and significant Right-of-Way clearing.
4. Traffic/Roadway Configuration: The proposed plan has a 90° turn that directs traffic down the proposed relocated alley. The Town roadway specifications state that a minimum radius be used as centerline radius in all roadways. The turn should be considered an intersection with a stop sign, directional arrow, and painted stop bar. The radius requirement then would be lessened to that of an intersection. The proposed "Dead end" alley that connects to 3<sup>rd</sup> Street could recreate a potential liability with cars backing into 3<sup>rd</sup> Street with no sight distance. One suggestion was to make the proposed relocation "two-way" so some delivery trucks could enter from Spring St. and also potentially provide entrance to the church property from this route.

The above items were discussed at the meeting with Summit Architecture, PA, United Methodist Church representatives and Town staff on June 28, 2011 at Town Hall. The process to abandon a Town Street or a portion of requires a Public Hearing and is a process best outlined by the Town Attorney.

The Town Board raised their concerns about access, delivery trucks backing up in the loading zone, a possible land swap or land lease and turning radiuses.

Town Attorney William Coward discussed the requirements of closing the alley, notification to owners, posting of notices, drafting of the required resolution and setting of a public hearing.

After further discussion, the Board directed the Town Attorney to bring back the proposed Resolution to the next regularly scheduled meeting.

## **15. Discuss ETJ Zoning**

At the regular meeting of the Town Board on July 20, 2011 and at tonight's meeting, Commissioner Larry Rogers read the following statement:

*"As a commissioner to the Town of Highlands, it is my job to listen to any concerns that the townspeople may have and present those concerns to the other commissioners. Tonight, I have a problem in regards to the ETJ ordinance that is currently in place. I feel that the ETJ has divided our people and left many with little voice in the town's government. At the present time, the county has two people to represent the ETJ and I feel that this is the county's responsibility to govern these areas that are outside the city limits. Shouldn't we be focusing the majority of our efforts on improving areas inside the city limits, instead of trying to control areas that are already in the county's jurisdiction?"*

*"At the ETJ meeting that was held at the Rec Park, the townspeople were told that the laws for the ETJ areas would be less stringent than the laws were in the city limit. That is not correct. At this meeting,*

*98% of the people were against the ETJ ordinance. My concern about the ETJ is the fact that the people in these areas are not being treated equally. Just because HFCC (Highlands Falls Country Club) and Cullasaja Club have their own homeowner's rules and regulations, it shouldn't exempt them from obtaining a permit from the town for any building construction that will take place. There are people in other developments in the ETJ that have rules also, but they still must obtain a permit from the town, just as if they were in the city limits. I completely understand why people are very upset with this ordinance, it's not fair. Properties, in the ETJ that have always been commercial would be changed if ownership changes, this is not right either."*

*"I am suggesting, as a commissioner of the town board, that this ordinance be abolished."*

The Town Board discussed the reasons why the ETJ was put into effect.

Town Attorney William Coward advised that the process of eliminating the ETJ would mean amending the Zoning Ordinance and what would be required to achieve that.

Commissioner Larry Rogers moved to send this matter to the Planning Board for their recommendation to amend the Zoning ordinance to eliminate the ETJ provision, which was seconded by Vice Mayor John Dotson and the vote was 3 to 2. Commissioners Amy Patterson and Dennis DeWolf voted against.

**16. Closed Session for Personnel under N.C.G.S. 1430318.11(a)(6)**

Vice Mayor John Dotson made a motion to move the Town Board into closed session, which was seconded by Commissioner Larry Rogers and the vote was unanimous.

The Town Board met in closed session.

Upon returning to open session, Vice Mayor John Dotson moved to hire David Allen Clabo as the position of Planning Director contingent upon a full background check and salary negotiations, which was seconded by Commissioner Dennis DeWolf and the vote was unanimous.

Further discussion was had as to pay grade, no contract, living expense stipend and the policy of hiring at will.

**17. Adjourn**

As there were no further matters to come before the Board of Commissioners, Commissioner Gary Drake moved to adjourn, which was seconded by Commissioner Larry Rogers and upon unanimous vote the Town Board adjourned at 10:10 p.m.

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Rebecca Shuler  
Town Clerk

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Jane J. Capman  
Recording Secretary

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Mayor David Wilkes

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Robert Zoellner  
Interim Town Manager