

REGULAR MEETING OF THE TOWN BOARD OF COMMISSIONERS OF SEPTEMBER 20, 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, Planning Director David Clabo, Police Chief Bill Harrell, Recreation Director Selwyn Chalker, Town Engineer Lamar Nix, Town Clerk Rebecca Shuler, Town Attorney William Coward, and Recording Secretary Jane Capman.

1. Call to order

Mayor David Wilkes called the meeting to order at 7:01 p.m.

2. Public Comment Period

Elaine Johnson inquired of the time line for completion of the bridge work at Mirror Lake. Town Engineer Lamar Nix stated that vehicles should be able to use the bridge in 2 to 3 weeks.

Lynn DeVille made the following statement to the Town Board:

"I would like to prevail upon this Board to formulate a policy regarding the use of public spaces in the Town of Highlands. Since these properties were partially purchased and are maintained with Highlands' income taxes, I am of the opinion that it is inappropriate for these properties to be used by outside groups or individuals for commercial or profit-making purposes. This is especially the case when these activities have the potential of impinging upon the livelihoods of the very people who are paying the taxes. Regardless of my opinion, I do hope you will arrive at a policy so that everyone will understand what is acceptable and not acceptable. Thank you for your consideration."

3. Adjust and Approve agenda

Interim Town Manager requested that an additional item was to be added to the agenda however, the same was not addressed. The agenda was not revised.

Vice Mayor John Dotson moved to approve the agenda, which was seconded by Commissioner Amy Patterson, and the vote was unanimous.

4. Approve Minutes of September 6, 2011 regular meeting

Commissioner Amy Patterson moved to approve the September 6, 2011 minutes, which was seconded by Vice Mayor John Dotson, and the vote was unanimous.

5. Reports

A. Mayor

Mayor Wilkes discussed the Dahlia Festival took place, which was a success and the Historical Society is hoping to make it an annual event.

B. Commissioners and Committee Reports

The Finance Committee gave its report advising that the interview search process for the Town Manager position was diligent and that the field has been narrowed down to 9 possible candidates from 33/34 applications. No new applications have been received within in the past 2 weeks and the advertisement has stopped running.

In response to Lynn DeVille's comments, during the Public Comment period earlier in the evening, Mayor Wilkes requested that that uses for town properties be added to the agenda for the next regularly scheduled meeting.

C. Interim Town Manager

There was no Town Manager report.

6. Consent Agenda

A. Reports

- i. Public Services Department Handout
- ii. Police Department
- iii. Parks & Recreation Department
- iv. Planning & Zoning Department
- v. Treasurer's Report for Month Ended August 31, 2011
- vi. Monthly Calendar
- vii. Grant Status Report

As there were no changes to the Consent Agenda, Commissioner Dennis DeWolf moved to approve the Consent Agenda, which was seconded by Commissioner Gary Drake, and the vote was unanimous.

7. BCBS Healthy Outcomes Wellness Program

Town of Highlands, in an effort to improve the long-term health of our employees, will implement a Wellness incentive program effective July 1, 2012. To be eligible for the incentive program, an employee must do the following:

- (1) Complete online risk assessment by **30 November 2011** – the risk assessment is available on the BCBSNC website (www.bcbsnc.com/memberservices);
- (2) Complete one Healthy Living online module by **30 November 2011** – there are a number available at (www.bcbsnc.com/memberservices);
- (3) Have annual physical (within the preceding 12 months) by **31 January 2012** – Complete and return the physical form to HR (only necessary if annual physical is prior to 01 July 2012). Note: Town will not receive any medical information from the physician;
- (4) Have preventive screenings (age / gender appropriate and within the preceding 12 months) by **31 January 2012**.

This program will help Town of Highlands encourage and ensure its employees are in their best health and prepared for many medical issues well before they develop into a much worse situation.

If an employee completes the four elements by the deadlines shown above, he or she will be rewarded (effective July 1, 2012) with a discounted cost of medical insurance or increased health reimbursement money (reward type and amount to be determined by Town of Highlands prior to open enrollment).

If an employee has not completed these four elements by the deadlines shown above, he or she will become ineligible (effective July 1, 2012) for a discounted cost of medical insurance or increased health reimbursement money (type and amount to be determined by Town of Highlands prior to open enrollment).

If an employee has not completed the four required elements by the deadlines, he or she may be given another opportunity to enroll by September 30, 2012 for January 1, 2013.

Mike Norris of Wayah Insurance addressed the Town Board explaining the goal is to engage the Town's employees to improve their quality of life and to help stay on top of their health. Mr. Norris also discussed timetables, benchmarks and how much financial incentives the Town can provide. Discussion was also had as to the time frame for each employee to complete the on-line assessments, which could be done during working hours, and the necessity for privacy. Mr. Norris advised the Board that computer stations would be placed in certain locations for the employees to use to ensure privacy.

Commissioner Gary Drake moved to approve BCBS Healthy Outcomes Wellness Program, as recommended and presented, which was seconded by Commissioner Amy Patterson and the vote was unanimous.

8. Resolution regarding Proposed Elimination of Part-Time Magistrate

STATE OF NORTH CAROLINA
COUNTY OF MACON

**RESOLUTION OF THE TOWN OF HIGHLANDS BOARD OF COMMISSIONERS
REGARDING THE PROPOSED ELIMINATION OF THE PART-TIME MAGISTRATE
POSITION IN HIGHLANDS, MACON COUNTY, NORTH CAROLINA**

WHEREAS, the Town of Highlands understands that the State of North Carolina is confronted with tough budgetary issues due to the current economic climate in North Carolina; and

WHEREAS, the Town of Highlands understands that the State of North Carolina proposes to eliminate certain Magistrate Positions within Macon County and other Counties within the State of North Carolina in order to meet budget demands; and

WHEREAS, the State of North Carolina proposes the elimination of the Part-Time Magistrate Position in Highlands, Macon County, North Carolina; and

WHEREAS, the Town of Highlands has assessed its situation and believes that losing the Part-Time Magistrate Position in Highlands, Macon County, North Carolina, would have a number of substantial negative consequences for the Citizens of Highlands and Macon County which would justify the Town of Highlands respectfully requesting that the State of North Carolina reconsider the proposed elimination of this Part-Time Magistrate Position in Highlands, North Carolina; and

WHEREAS, the Town of Highlands respectfully requests that the State of North Carolina consider the following points in support of the State continuing the Part-Time Magistrate Position in Highlands, Macon County, North Carolina, and revise the State's position to continue such Part-Time Position in Highlands, Macon County, North Carolina:

A. Without a Magistrate available in Highlands, Macon County, North Carolina, on an on call basis as is presently had, both the Town of Highlands Police Department and the Macon County Sheriff's Department will hereafter have to make a number of trips between Highlands, North Carolina and Franklin, North Carolina, in order to make required appearances before a Magistrate in Macon County, North Carolina. All of those who are arrested and all individuals subject to involuntary commitments will have to be transported down the mountain from Highlands, NC, to Franklin, NC, by law enforcement in order to make appearances before a Magistrate;

B. Highlands is a Mountain City in the Western end of the State of North Carolina. The drive between Highlands, North Carolina, and Franklin, North Carolina, is not an easy drive by any means. It is not like a drive one might experience on Interstate 40 or other relatively flat roads. The distance which appears on a map may look like a few miles but it may be traveled only by taking a very circuitous route along a road filled with sharp curves, steep grades and a sheer drop to the right of the road of literally hundreds of feet straight down into the Cullasaja River Gorge. The road between Highlands, North Carolina, and Franklin, North Carolina, runs through very rugged mountainous country and these same roads are extremely dangerous especially when wet or when snow and/or ice and/or foggy conditions are present. Due to the conditions on this road, the North Carolina Department of Transportation has prohibited some commercial travel upon the same;

C. The distance between Highlands, North Carolina, and Franklin, North Carolina, is approximately 20.5 miles or 41 miles round trip;

D. Assuming good weather conditions, the time involved in travel between Highlands, North Carolina, and Franklin, North Carolina, is approximately 1 hour and 12 minutes round trip;

E. The time involved in travel between Highlands, North Carolina, and Franklin, North Carolina, increases significantly during snow, ice, rain and fog. Indeed, it may not be possible to travel between the two towns at times;

F. That due to the elevation of Highlands, North Carolina (3832 feet), snow, ice and fog are

relatively common in the cooler months;

G. That snow, ice, fog and rain make travel upon the road between Highlands, North Carolina, and Franklin, North Carolina, treacherous at best and travel upon these roads under such conditions should be avoided if reasonably possible;

H. With increased travel on this road, the chances of serious accidents will increase along with the risk of injuries or death to law enforcement officers, individuals in custody and other travelers;

I. While transporting those who have been arrested in Highlands, North Carolina, and those subject to involuntary commitment from Highlands, North Carolina, much time of law enforcement officers will be lost which could otherwise be used for law enforcement patrol purposes. The same will also result in considerable new expense to the Macon County Sheriff's Department and the Town of Highlands Police Department including but not limited to increased fuel expense, increased vehicle wear and tear and expense to pay law enforcement officers to make trips which have heretofore been unnecessary due to having a Magistrate available in Highlands, North Carolina; and

J. State law enforcement agencies which have utilized the Part-Time Magistrate in Highlands will experience these same challenges and costs.

NOW, THEREFORE, BE IT RESOLVED that Town of Highlands does hereby respectfully request that the State of North Carolina, consider the points which are set forth hereinabove and take such steps as are necessary so that the State can preserve and retain the Part-Time Magistrate Position for Highlands, Macon County, North Carolina, in order to address the safety concerns of the Citizens of Highlands and Macon County and reduce the financial hardships to Macon County, to the Town of Highlands and to itself which will accompany the elimination of the Part-Time Magistrate Position in Highlands, North Carolina and that copies of this Resolution shall be delivered unto appropriate State Officials for their immediate consideration.

Upon motion duly made by Commissioner Amy Patterson and duly seconded by Vice Mayor John Dotson, the above resolution was duly adopted by the Board of Commissioners at their regularly scheduled meeting held on the 20th day of September, 2011 in the Highlands Conference Center, 45 Poplar St.

David Wilkes, Mayor

ATTEST:

Rebecca Shuler, Town Clerk
(Official Seal)

Police Chief Bill Harrell addressed the Town Board and discussed the elimination of the Town's part-time Magistrate stating that "this position does not need to go away".

Commissioner Amy Patterson moved to approve the Resolution, which was seconded by Vice Mayor John Dotson, and the vote was unanimous.

9. **Lake Sequoyah Sewer Project**

**TOWN OF HIGHLANDS – LAKE SEQUOYAH SEWER SYSTEM IMPROVEMENTS
CLEAN WATER MANAGEMENT TRUST FUND APPLICATION
REVISED FOR REDUCED SCOPE – SEPTEMBER 13, 2011
PROJECT NARRATIVE**

Requested Funds: \$600,000

Matching Funds and source: \$200,000 (Town of Highlands reserves)

Scope of Work:

The Scope of Work for the project includes planning, design, permitting and construction of

sewer lines and a pump station to extend public sewer to residential areas with documented failed septic systems around Lake Sequoyah and its tributaries.

Project Description and Need:

The proposed project is located in the Town of Highlands in Macon County, near Lake Sequoyah on the Cullasaja River, which is in the Little Tennessee River basin. The proposed project includes approximately 2,165 linear feet of 8" gravity sewer lines, a sewage pump station with back-up emergency power, approximately 700 linear feet of 4" sewer force main, and associated pavement repairs and surface restoration in areas adjacent to Lake Sequoyah. This project will provide public sewer to the area and allow failed and failing septic systems to be eliminated through the connection to the new sewer system.

Need:

This project is needed to improve water quality in Big Creek, the Cullasaja River, and Lake Sequoyah. The Town's two (2) public drinking water supply intakes are located on Big Creek and the Big Creek arm of Lake Sequoyah. There is a heavily populated residential area around these waters without access to public sewer, and the Macon County Health Department has documented numerous failed septic systems in this area. Other septic system failures have likely occurred but have not been documented. The Town of Highlands has collected water samples from these waters and the samples indicate elevated total coliform counts, some in excess of 2400. The proposed project would extend Town sewer service to approximately 20 homes in this project area and allow for the removal of the failing septic systems, preventing the discharge of inadequately treated sewage into the waters, thereby improving the water quality of Big Creek, the Cullasaja River and Lake Sequoyah.

The Macon County Health Department has documented at least six (6) failed septic systems in the project area. See the attached letter from the Health Department with supporting documentation, along with a map showing the locations of the failed septic systems. According to the Macon County Soils Survey, the soils in the project area are predominantly of the Edneyville and Cullasaja types, and the Soils Survey generally rates these soils as "severe" for septic tank absorption fields, meaning that the soil properties or site features are unfavorable and difficult to overcome for septic systems. Excerpts from the Macon County Soils Survey are attached for reference. In addition, much of the topography in the project area is excessively steep, which leads to runoff of septic tank effluent prior to receiving adequate treatment through the soils. Finally, the Town has sampled the waters in the project area, including Lake Sequoyah, Big Creek, the Cullasaja River and an unnamed tributary to the Cullasaja River, and the laboratory test results showed elevated levels of total coliform in excess of 2400. Copies of the laboratory test results are attached to this application, along with a map showing the location of the water samples.

In addition, the NCDWQ 2005 Basinwide Plan for the Little Tennessee River indicates that, based on a 2004 evaluation, the notable problems in Lake Sequoyah include elevated temperatures, turbidity, and low dissolved oxygen. Failing septic systems and associated discharge of partially treated sewage are likely contributing to these problems.

Water Quality Objectives and How They Will Be Achieved:

Lake Sequoyah is classified by NCDWQ as a Water Supply (WS)- II, Trout, High Quality Water. The Water Quality Objectives are to improve the water quality of Lake Sequoyah, Big Creek and the Cullasaja River by:

- 1) reducing the quantities of organics and solids discharged to the waters from failed and failing septic systems by installing a public sewer system to convey the sewage to the Town of Highlands wastewater treatment plant.
- 2) Reduce the levels of total coliform in Big Creek and the Big Creek arm of Lake Sequoyah, which are the locations of the Town of Highlands' two (2) public water supply intakes, thereby preventing the contamination of the Town's water supply.
- 3) Reduce the elevated temperatures, turbidity and low dissolved oxygen in Lake Sequoyah, all of which negatively affect trout populations.

Additional Information

This is an extremely critical project for the Town of Highlands because of the potential public health issues that could occur if the Town's public water supply continues to deteriorate due to the high coliform levels of the water. The proposed project should significantly reduce the possibility of partially treated sewage entering the waters.

Other Possible Funding sources

The Town of Highlands plans to utilize funds from their reserves for the matching funds for the project.

Interim Town Manager Robert Zoellner advised the Town Board that the State had funds for grants and if the Town applied for it, there was a good chance of receiving it. The Board discussed that since it had already spent \$170,000.00 in design work for the Lake Sequoyah sewer project, the board agreed to put in an additional \$30,000.00 more into the project to be eligible for a \$600,000.00 grant. Also discussed was the length of the project and Town Engineer Lamar Nix advised that the project would take approximately 8 months and that the passing of this Resolution is merely the first step.

As there was no further discussion, Commissioner Amy Patterson moved to approve the Lake Sequoyah Sewer System Improvements Clean Water Management Trust Fund Application, which was seconded by Commissioner Larry Rogers and the vote was unanimous.

10. Financing of Radio Read Water Meters

Interim Town Manager Robert Zoellner advised that he had reviewed the financials of the water department and advised that collections are up due to the rate increase. Mr. Zoellner also discussed available fund in the Town's other accounts and suggested that the Town finance one-half for 59 months. Also discussed were interest rates and the length of financing (five years verses ten years).

Commissioner Amy Patterson again raised her concerns stating that she did not want the Town to be backed up into a corner as to depleting fund balances. Commissioner Larry Rogers suggested doing one-half of the project now and the other one-half in another year. The Board inquired of the Town Engineer Lamar Nix as to installation and was advised that the contractor is stating that it would take five months, in good weather, to install 95% of the meters and the Town would handle installation of the remaining 5%. Although there was continued discussion as to this project, the necessity of the same, the Town's finances, Mayor Wilkes stated that it appeared that the Board was in agreement as to the project but not as to the financing. Interim Town Manager Robert Zoellner advised that he likes the idea of financing for 59 months, but if the financing were to go longer, then the Town would have to go through the state. Additional discussion was had as to the Town's other projects and financial obligations.

Commissioner Gary Drake moved to approve 50% financing of the project for 59 months and paying the remaining 50% from the fund balance, which was seconded by Commissioner Larry Rogers. The vote was 4 to 1 with Commissioner Amy Patterson voting against.

11. Discuss Rate Increase for Reconnect Fees on Disconnects

Vice Mayor John Dotson stated that there are a number of people who are late in making their payments and further stated that there is no set policy as to disconnects. Vice Mayor Dotson further stated that a policy needs to be put into place, as to delinquencies, as what is presently in place is not being enforced. Discussion was also had as to the implementation of security deposits and sending letters.

Mayor Wilkes instructed staff to bring back recommendations to the Town Board for review and consideration to its next regularly scheduled meeting.

12. Ordinance Forbidding Weapons on Town of Highlands Recreational Property

Pursuant to an affirmative vote of 5 to 0 by the Board of Commissioners of the Town of Highlands at its regular meeting on the 20th day of September, 2011, and an affirmative vote of ___ to ___ by the Board of Commissioners at its regular meeting on the ___ day of _____ 2011 (if necessary) the following ordinances are hereby AMENDED:

EXISTING CODE SECTIONS, FOLLOWED BY *PROPOSED NEW SECTION (IN ITALICS)*

Chapter 6.5 MISCELLANEOUS PROVISIONS

Art. I. In General, §§ 6.5-1--6.5-30

Art. II. Recreational Activities on Lake Sequoyah, §§ 6.5-31--6.5-41

ARTICLE I. IN GENERAL

Sec. 6.5-1. Carrying concealed weapons on certain municipal property; location of signs.

(a) *Posting of signs required.* The chief of police is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within the following municipal property, indicating that carrying a concealed handgun is prohibited therein, as well as on the premises thereof:

- (1) The Highlands Recreation Park.
- (2) The Highlands Ball Park.
- (3) The Highlands Conference Center.
- (3) The Town Hall.
- (4) The Highlands Police Station.
- (5) The Highlands Playhouse.
- (5) The Highlands ABC store.
- (6) The water treatment plant.
- (7) The wastewater treatment plant.

(b) *Location of signs.* Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The chief of police shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.

(Ord. of 11-15-95(1), §§ 1, 2)

Secs. 6.5-2--6.5-30. Reserved.

....

Sec. 6.5-37. General regulations.

(a) It shall be unlawful for any person to possess a firearm, air rifle, air pistol, pump gun, spear gun, or other similar weapon of any kind in or upon the waters of Lake Sequoyah or its environs. This section shall not apply to officers of the town's police department or other duly authorized law enforcement officials while carrying out their official duties.

....

Sec. 8-11. Firearms and pellet guns.

(a) No person may discharge any firearm, pellet gun, or any other mechanism or device designed or used to project a missile by compressed air or mechanical action at any time or place within the town except when used in the following specific circumstances:

- (1) In defense of person or property;
- (2) To destroy any rabid or marauding animal; or
- (3) Pursuant to the lawful directions of any member of the town police department.

(b) This section shall not be construed to preclude the discharge of firearms, pellet rifles, or other similar devices pursuant to a competition or match conducted by any bona fide

civic group, organization, or sponsoring entity provided always, however, that such organization shall first secure from the chief of police permission to conduct such competition or match and shall further assume all liability for all personal injury or property damage or both arising out of such meet.

(c) Any person violating this section shall be guilty of a misdemeanor and shall be subject to the punishment provided by section 1-5.

(Code 1982, § 11.28)

State Law References: Authority to regulate discharge of firearms, G.S. § 160A-189; authority to regulate possession and use of pellet guns, G.S. § 160A-190.

Code Sections 6.5-1, 6.5-37 and 8-11 are hereby repealed.

The Code of Highlands, North Carolina, is hereby amended by dividing Chapter 9 into two articles, the first to be entitled "Miscellaneous Offenses," which will contain the existing provisions of Chapter 9 (9-1 through 9-6), and the second to be entitled "Weapons Offenses," which shall read as follows:

ARTICLE II. WEAPONS OFFENSES

Sec. 9-7. Definitions. *The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section:*

(a) **Town's Recreational Facilities** shall mean the following properties, including all buildings, parking lots, internal driveways and walkways and any other improvements associated with the listed properties, but excluding areas within the State or Town public rights of way:

(1) *The "Rec Park", including Houston House, the swimming pool, playgrounds, gymnasium, and all other athletic facilities, and being more particularly described as the property conveyed to the Town by deed dated January 26, 1970 and recorded in Book J-8 Page 304, and the deed recorded on August 8, 2005 in Book L-29, Page 1 of the Macon County Registry;*

(2) *The Highlands Ball Park, including the ballfield, and all other playgrounds and other athletic facilities, and being more particularly described as the property conveyed to the Town by deed dated December 22, 1927 and recorded in Book P-4 Page 520 of the Macon County Registry;*

(3) *Kelsey Hutchinson Park, including all playgrounds, and being more particularly described as the property conveyed to the Town by deed dated October 24, 2007 and recorded in Book B-32 Page 1812 of the Macon County Registry;*

(b) **Town's Buildings or Public Property** shall mean the following properties including all buildings, parking lots, internal driveways and walkways and any other improvements associated with the listed properties, but excluding areas within the State or Town public rights of way.

(1) *The Conference Center, being more particularly described as the property conveyed to the Town by deed dated December 22, 1927 and recorded in Book P-4 Page 520 of the Macon County Registry;*

(2) *Town Hall, including the Highlands Playhouse and being more particularly described as the property conveyed to the Town by deed dated November 12, 1951 and recorded in Book A-6 Page 311, of the Macon County Registry;*

(3) *Kelsey Hutchinson Park being more particularly described as the property conveyed to the Town by deed dated October 24, 2007 and recorded in Book B-32 Page 1812 of the Macon County Registry;*

(4) *The Performing Arts Center, being more particularly described as the property conveyed to the Town by deed dated January 11, 2002 and recorded in Book J-25 Page 1005 of the Macon County Registry;*

Sec. 9-8. Discharge of Firearms and Other Mechanisms Within Corporate Limits Prohibited.

As allowed by N.C.G.S. 160A-189 and 190, the Town prohibits the discharge of any firearm, pellet gun, paintball gun, or any other mechanism or device designed or used to project a missile by compressed air or mechanical action at any time or place within the corporate limits of the Town except when used in the following specific circumstances:

- (a) In defense of person or property;*
- (b) To destroy any rabid or marauding animal; or*
- (c) When the mechanism is a nail gun or similar tool being used for its intended purpose.*

Sec. 9-9. Concealed Handguns. *As allowed by N.C.G.S. § 14-415.23, the Town prohibits the carrying of concealed handguns as follows:*

- (a) It is prohibited, and not within the scope of any concealed handgun permit, for any person to possess or carry a concealed handgun in or upon the Town's Buildings and appurtenant premises.*
- (b) It is prohibited, and not within the scope of any concealed handgun permit, for any person to possess or carry a concealed handgun in or upon the Town's Recreational Facilities as specifically described herein above.*
- (c) State law (presently N.C.G.S. § 14-269(b) provides that certain persons are not subject to the prohibition against carrying concealed weapons. Such persons are also exempt from the prohibitions in this ordinance.*
- (d) State law (presently N.C.G.S. §14-415.23) provides that notwithstanding local ordinances forbidding concealed handguns on recreational facilities, handgun permittees are allowed to secure a handgun "in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle." Therefore, handguns stored in such areas shall not be in violation of this section.*

Sec. 9-10. Open Weapons on Town's Recreational Facilities and Town's Public Property. *As allowed by N.C.G.S. § 160A-189, it shall be unlawful for any person to display weapons (unconcealed) on the Town's Recreational Facilities as defined herein above and on the Town's Public Property as defined herein above. As used in this section, "weapon" shall mean a rifle, pistol, bowie knife, dirk, dagger, sling shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, or other dangerous or deadly item of like kind.*

Sec. 9-11. Seizure of Weapons. *The Chief of Police or any member of the Police Department is hereby authorized to seize and hold any firearm or mechanism involved in a violation of this Article, and to hold such property, subject to release only upon an order of a court of appropriate jurisdiction.*

Sec. 9-12. Punishment. *Any person who violates any provision of this Article shall be guilty of a misdemeanor and shall be punished in accordance with section 1-5 of the Highlands Code.*

Sec. 9-13. Exception. *Notwithstanding any other provision of this Article, the Chief of Police may, in his discretion, issue a permit authorizing the display and discharge of certain weapons in connection with organized training and certification programs, or competitions conducted by bona fide civic groups or entities. All such permits must be in writing, with such terms and conditions as the Chief of Police may require, provided that all permits must contain provisions that clearly absolve and release the Town from any and all liability related to the event.*

General statutory reference and authority:

N.C. Gen. Stat. 14-409.40 "Statewide uniformity of local regulation"

N.C. Gen. Stat. 14-415.11 "Permit to carry concealed handgun; scope of permit"

N.C. Gen. Stat. 14-415.23 "Statewide uniformity"

N.C. Gen. Stat. 160A-189 "Firearms"

N.C. Gen. Stat. 160A-190 "Pellet Guns"

N.C. Gen. Stat. 14-269 "Carrying concealed weapons"

NOTE CONCERNING WORDING OF AMENDMENTS

(Town of Highlands, Code) Sec. 1-4. Amendments to Code; effect of new ordinances; amendatory language.

- (a) All ordinances passed subsequent to this Code which amends, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the board of commissioners.
- (b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific references to the section number of this Code in the following language: "That section _____ of the Code of Highlands, North Carolina, is hereby amended to read as follows: . . ." The new provisions shall then be set out in full as desired.
- (c) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Highlands, North Carolina, is hereby amended by adding a section, to be numbered _____, which said section reads as follows: . . ." The new section shall then be set out in full as desired.
- (d) All sections, articles, chapters or provisions of the Code desired to be repealed must be specifically repealed by section, article, or chapter number, as the case may be.

Police Chief Bill Harrell discussed the proposed Ordinance and raised his concerns as to items 4 (*Water Treatment Plant*) and 5 (*Wastewater Treatment Plant*) and requested that those locations be deleted from the Ordinance. Mayor Wilkes stated that he was concerned as to the safety where people gather. Recreation Director Selwyn Chalker advised that although everyone uses the term "Pine Street Park" the correct name is "Kelsey Hutchinson Park".

Commissioner Amy Patterson moved to approve the Weapons Ordinance with the exception of changing Pine Street Park to reflect Kelsey Hutchinson Park and the deletions of items 4 and 5, which was seconded by Commissioner Gary Drake and the vote was unanimous.

The Ordinance, as reflected above, is revised with the approved changes.

13. Discuss Possible Police Officer Opening

Police Chief Bill Harrell advised the Town Board that a position is now open and is requesting that it be filled. Chief Harrell further advised that no additional funds would be needed as this position had already been funded. The Public Safety Committee has recommended approval of the hiring of a new police officer.

Commissioner Amy Patterson moved to reaffirm the recommendation of the Public Safety Committee, which was seconded by Vice Mayor John Dotson. The vote was 4 to 1 with Commissioner Gary Drake voting against.

14. Discuss County request for Satulah tower site at 439 Worley Road

The Town Board reviewed a letter from County Manager Jack Horton regarding the Satulah Tower site and EMS/Police Building dated August 29, 2011. The letter discussed the county emergency communications tower on Worley Road and requested that the Town of Highlands transfer ownership to the County.

Mayor David Wilkes discussed the installation of the generator and advised that at that time, the County said that the Town of Highlands should deed over the Worley Road property to the County. Commissioner Larry Rogers stated that he did not agree with the deeding of the land but would entertain a long term lease. Commissioner Amy Patterson stated that the Town should be in control of all tower sites.

The letter also addressed the old Police station (once the new Police station is completed) and the County's request to use space at the old station. Police Chief Bill Harrell stated that he was opposed to this request as the space would be occupied by the Sheriff's office, State patrol, in order to keep a close relationship, and the Magistrate. Mayor Wilkes states that the needs are being determined and advised that he would respond to the County Manager.

15. Set Date to Start Interviews for Town Manager Applicants

Commissioner Gary Drake along with Vice Mayor John Dotson discussed setting up face-to-face interviews. Commissioner Drake furnished the Board members with a set of questions that he would like to ask each candidate and asked the Board members to furnish additional questions. Commissioner Drake stated that each interview would be held in closed session and would need approximately 2 hours for each applicant. After further discussion, the Town Board agreed to commence the interview process the first week of November, 2011.

16. Closed Session for Personnel under [N.C.G.S. 143-318.11(a)(6)]

Commissioner Gary Drake moved the Town Board into Closed Session, which was seconded by Commissioner Larry Rogers and the vote was unanimous.

The Board met in closed session pursuant to N.C.G.S. 143-318.11(a)(6)].

No action was taken.

Upon returning to open session, Town Attorney William Coward advised the Board that A. Fleming Bell of the School of Government who was invited to Highlands to discuss with the Board the Town's Charter has had health issues and that Frayda Bluestein would come in his place.

17. Adjournment

As there were no further matters to come before the Board of Commissioners, Commissioner Gary Drake moved to adjourn, which was seconded by Commissioner Amy Patterson and upon unanimous vote the Town Board adjourned at 9:39 p.m.

Mayor David Wilkes

Jane J. Capman
Recording Secretary

Robert Zoellner
Interim Town Manager

Rebecca Shuler
Town Clerk