

**Regular Meeting Minutes of the Town Board of Commissioners Meeting of April 17, 2014 at the Highlands Community Building, 71 Poplar St., Highlands, North Carolina.**

**Town Board Present:** Commissioner John Dotson, Commissioner Amy Patterson, Mayor Patrick Taylor, Commissioner Eric Pierson and Commissioner Brian Stiehler.

**Also Present:** Town Manager Bob Frye, Town Clerk Rebecca Shuler, Town Attorney Jay Coward, Fire Chief Ryan Gearhart, Public Works Director Lamar Nix, GIS Technician Chuck Crisp, Police Chief Bill Harrell, and Parks and Recreation Director Lester Norris.

**Not Present:** Mayor Pro Tempore Donnie Calloway

**1. Meeting Called to Order**

Mayor Taylor called the meeting to order at 6:57pm.

**2. Public Comment Period**

There were no public comments.

**3. Adjust and Approve Agenda**

Manager Frye asked the Board to add agenda item 7E. Budget Amendment: Fire Dept. FEMA Grant ~ Air Packs. Commissioner Stiehler made a motion to approve the agenda with the before mentioned addition, which was seconded by Commissioner Pierson and the vote was unanimous.

**4. Approval of March 20<sup>th</sup> Regular Meeting Minutes**

Commissioner Patterson made a motion to approve the regular meeting minutes of March 20, 2014 as presented, which was seconded by Commissioner Pierson and the vote was unanimous.

**5. Reports**

**A. Mayor**

Mayor Taylor informed the Board of the recent meeting with the Macon County Planning Board in which he attended. He also wanted to make everyone aware of the Health Dept. walk scheduled for April 26<sup>th</sup>. The group will meet in front of Town Hall.

**B. Commissioners and Committee Reports**

Commissioner Stiehler reminded everyone of the Golf Classic which will be held on Thursday, June 19<sup>th</sup> at Wildcat Country Club.

**C. Town Manager**

Manager Frye informed the Board of the Easter Holiday coming up and also a reminder that the regular meeting for May was changed to the 22<sup>nd</sup> of May for presentation of the upcoming FY14/15 budget.

**6. Consent Agenda**

Public Works Department  
Police Department  
Parks & Recreation Department  
Planning & Development Department  
Treasurer's Report

Commissioner Stiehler made a motion to approve the consent agenda, which was seconded by Commissioner Dotson and the vote was unanimous.

## **7. Financial Matters**

### **A. Intake Loan Agreement**

The Lake Sequoyah intake construction project has been approved for financing through the state revolving loan program. The total cost of the loan/project is \$2,068,450.00. The amount of loan forgiveness (essentially a grant) is \$1,654,760.00. The amount the town would actually be borrowing and would have to pay back is \$413,690.00. This is a zero interest loan with a 20 year payback. In addition there is a 2% closing fee of \$41,369.00 which the town would be responsible for. Total amount of loan including closing fees is \$455,059.00.

Commissioner Patterson had a few questions as to the annual increase to the Town's debt. Patterson said she wanted to keep track of the Town's debt load.

Commissioner Pierson made a motion to approve the execution of the Intake Loan Agreement, which was seconded by Commissioner Patterson and the vote was unanimous.

### **B. Budget Amendment: Culvert Upsize Project**

Last year the town received a FEMA Hazard Mitigation Grant to replace culverts on Laurel, Spruce, and 5<sup>th</sup> Streets. Due to permitting requirements it has taken longer than anticipated to begin this project. As a result, expenditure of these funds has just now begun. The town needs to recognize the revenue and transfer it into the current year's budget.

Commissioner Patterson approved the budget amendment for \$650,400 to move the funds for the FEMA Hazard Mitigation Grant into the FY13/14 budget, which was seconded by Commissioner Pierson and the vote was unanimous.

### **C. Budget Amendment: Fly Fishing Tournament**

In the past the town has included the administrative costs to operate the Fly Fishing Tournament with the funds allocated for the golf tournament. At this point, the costs to operate both tournaments have exceeded what was budgeted. This will be addressed in the coming year's budget. In the meantime, the Fly Fishing Tournament needs funds to operate the upcoming fishing tournament. To that end, the town needs a fund balance appropriation the amount to \$3,500 to see the fishing tournament through this budget year.

Commissioner Stiehler questioned using General Fund money with \$800,000 sitting in the account. Commissioner Patterson wanted to make sure the tournament was generating enough money to cover their expenses.

Commissioner Dotson moved to approve the budget amendment for \$3,500 for the scholarship funding raising expenses, which was seconded by Commissioner Stiehler and the vote was unanimous.

### **D. Budget Amendment: Close out of Recreation Fund**

At the beginning of the current budget year, staff shifted the Parks and Recreation Fund back into the General Fund. \$132,304 was the remaining amount left in the old Parks and Recreation fund which had to remain there until the auditor's closed out last year's

audit. Staff would recommend the Board approve the enclosed amendment and shift the remaining \$132,304 from the closed out Parks and Recreation Fund into the General Fund.

Commissioner Patterson moved to approve the budget amendment of \$132,304 to close of the Parks and Recreation Fund, which was seconded by Commissioner Pierson and the vote was unanimous.

#### **E. Budget Amendment: Fire Dept. FEMA Grant ~ Air Packs**

Over the past year, the Fire Dept. had applied for a FEMA grant to pay for Air Packs. The Dept. was to pay 5% of the cost. The town needs to recognize the revenue for expenditure of the funds.

Commissioner Patterson questioned if the town's 5% to be paid out was already accounted for in the FY13/14 budget and was assured it was.

Commissioner Pierson made a motion to approve the Fire Dept. FEMA Grant budget amendment of \$126,778, which was seconded by Commissioner Patterson and the vote was unanimous.

#### **F. Cemetery Paving Bids**

There are funds included in the current year's budget for the repaving/additional surfacing of the roads at the cemetery.

The following two bids were received:

APAC/Harrison Inc. (Rhodes Paving)	\$76,197.00
Bryson Paving	\$76,433.10

Commissioner Dotson made a comment that out of the two bids one bidder was local and the other was not. After looking at the line by line items have the bidders been questioned to make sure the bids were correct.

Public Works Director Lamar Nix said that they were questioned and one bidder had raised and lowered the bid in areas to keep other bidders guessing at costs.

Commissioner Dotson questioned what the board's determination of awarding close bids to local contractors was. Commissioner Patterson questioned the town attorney as to wording in bid contracts to allow the Board the ability to retain the option of awarding bids to local contractors especially if they are this close in nature.

Town Attorney Coward said it was definitely safer to have the verbiage in the contracts.

Commissioner Patterson made a motion to award the bid to the lowest bidder APAC/Harrison Inc. (Rhodes Paving) at \$76,197.00, with the Town Attorney to come up with a statement to include on bidding documents to allow the board to award bids to local bidders.

The motion was seconded by Commissioner Stiehler and the vote was unanimous.

#### **G. Potential Parks and Recreation Donation**

The board discussed whether or not to accept a generous donation from Mr. Williams for the construction of a permanent covering for the new pool and for a new gym floor.

Current estimates to operate a year round pool range between a low of \$60,000 per year to upwards of \$100,000. At this time, staff is unable to provide a closer figure until some operational history has been gained to draw upon. The overall increase in cost to the Parks and Recreation budget will depend largely on whether or not the town is able to utilize part time lifeguards or to hire full time employees. It is also important to note that these costs will not hit until the FY 2015-16 budget.

After much discussion on the operating expenses of a year round pool, Commissioner Stiehler made a motion to accept the generous offer from Mr. Williams and for Staff to further look into the costs of operation. The motion was seconded by Commissioner Pierson and the vote was unanimous. The vote was preliminary, subject to final approval with the FY14/15 budget.

## **8. Discussion: Main Street Parking Recommendations**

The Main Street Parking Committee met on March 26<sup>th</sup> and recommends the following changes/addition to the town Parking Ordinance.

### **Proposed Amendments to the Existing Parking Ordinance**

1. Extend the Parking Restrictions to December 31
2. Changes Parking Restricted Times from 10am - 4pm to 10am - 5pm
3. Change to the Period of Time to Pay Parking Fine from 30 days to 15 days

### **Enforcement (Remains Complaint Driven)**

#### **Parking**

1. From April 15 to May 15 each violator will be issued one written warning. During this time period, if an individual who has received a written warning is found to be in violation once again, a citation will be issued. Each citation carries a \$50.00 civil penalty.
2. After May 15 there will be a zero tolerance for any parking violation. Each violator will be issued a citation. The violator will be given 15 days to pay the civil penalty. If the civil penalty is not paid within the 15 days, a civil summons from a magistrate will be issued to the violator. The violator will then be required to appear in district court and pay court costs. If the violator pays the civil penalty after receiving the civil summons, he/she are still required to pay court costs.

### **Loading & Unloading**

1. Loading & Unloading shall not be conducted during the restricted hours, unless it is conducted from an approved and marked loading zone. All violators will be issued a citation and will be subject to the aforementioned requirements.

The Board was presented with the following ordinance amendments and fee schedule update.

Code of Highlands ~ Chapter 7: Article IV. Stopping, Standing, and Parking Sec. 7-117. Downtown business district parking ordinance.

## **ORDINANCE AMENDMENT**

**Pursuant to an affirmative vote of \_\_\_ yeas to \_\_\_ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, and an affirmative vote of \_\_\_ yeas to \_\_\_ nays by the Board of Commissioners at its regular meeting on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_ if required, the following ordinances are hereby AMENDED:**

**(EXISTING CODE SECTIONS, FOLLOWED BY PROPOSED AMENDMENTS IN RED ITALICS, SHOWING CHANGES.)**

**Sec. 7-117. Downtown business district parking ordinance.**

(a) Definitions.

*Performing his duties* shall mean being present at a place of the person's employment during its normal hours of operation.

*Park* shall include the act of parking a vehicle, the act of allowing a vehicle to remain parked, and the act of failing to promptly remove such vehicle upon request by an on-duty police officer for the town.

*Vehicle* shall be as defined in G.S. § 20-4.01(49) and shall include all such vehicles regardless of ownership.

*Downtown business district* shall mean the entire B-1 business district, as designated on the current zoning map of the town, as well as that portion of the B-2 and B-3 business district lying within the area formed by the following boundaries: The centerlines of Oak Street, Second Street, Spring Street, and Third Street.

*Downtown business district employee* shall mean a person who works full- or part-time for a business, profession, or organization that conducts its business at a location either wholly or partially within the downtown business district, or a principal/owner of such business, or an independent contractor with such owner, or a business associate who regularly conducts business there.

*Employee-restricted parking areas* shall mean all parking spaces, both adjacent to the curb and in the center of any street, as reflected on the Town of Highlands Business District Parking Map, dated and adopted August 4, 2010, and subsequent amendments to said map duly adopted by the Town of Highlands Board of Commissioners.

(b) It shall be unlawful for a downtown business district employee to park a vehicle within the employee-restricted parking areas while such person is performing his duties as defined herein, except that two (2) employees in each real estate office located in the downtown business district shall be permitted to park a vehicle in said area.

(c) The provisions of this section shall be effective between the hours of 10:00 a.m. and ~~4:00~~ 5:00 p.m., Monday through Saturday, between April 15 and ~~November 30~~ December 31 of each calendar year.

*That section 7-117. (c) of the Code of Highlands, North Carolina, is hereby amended to read as follows:*

*Section 7-117. Downtown business district parking ordinance.*

*(c) The provisions of this section shall be effective between the hours of 10:00 a.m. and 5:00 p.m., Monday through Saturday, between April 15 and December 31 of each calendar year.*

(d) The provisions of this section shall not apply to operators of vehicles displaying valid handicapped license plates or dashboard placards and parked in spaces reserved for the handicapped.

(e) The penalty for violating this section shall be set forth in the fee schedule maintained in the office of the clerk.

Passenger loading zones & Sec. 7-108. Commercial loading zones.

### ORDINANCE AMENDMENT

Pursuant to an affirmative vote of \_\_\_ yeas to \_\_\_ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, and an affirmative vote of \_\_\_ yeas to \_\_\_ nays by the Board of Commissioners at its regular meeting on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_ if required, the following ordinances are hereby AMENDED:

**(EXISTING CODE SECTIONS, FOLLOWED BY PROPOSED AMENDMENTS IN RED ITALICS, SHOWING CHANGES.)**

Sec. 7-107. Passenger loading zones.

The streets, or parts thereof, described in the traffic schedule maintained in the office of the clerk, are hereby designated as passenger loading and unloading zones, and no person shall stop, stand or park a vehicle therein during the hours of ~~8:00 a.m. to 6:00 p.m.~~ *10:00 am to 5:00 pm* for any purpose other than the expeditious loading or unloading of passengers, and then only for a period not to exceed ten (10) minutes. *The penalty for violating this section shall be set forth in the fee schedule maintained in the office of the clerk.*

*That section 7-107 of the Code of Highlands, North Carolina, is hereby amended to read as follows:*

*Sec. 7-107. Passenger loading zones.*

*The streets, or parts thereof, described in the traffic schedule maintained in the office of the clerk, are hereby designated as passenger loading and unloading zones, and no person shall stop, stand or park a vehicle therein during the hours of 10:00 am to 5:00 pm for any purpose other than the expeditious loading or unloading of passengers, and then only for a period not to exceed ten (10) minutes. The penalty for violating this section shall be set forth in the fee schedule maintained in the office of the clerk.*

Sec. 7-108. Commercial loading zones.

The streets, or parts thereof, described in the traffic schedule maintained by the city clerk, are hereby designated as commercial loading and unloading zones and no person shall stop, stand or park a vehicle therein during the hours of ~~8:00 a.m. to 6:00 p.m.~~ *10:00 am to 5:00 pm* for any purpose other than the expeditious unloading and delivery, or pickup and loading of materials and goods, and then only for a period not to exceed thirty (30) minutes. *The penalty for violating this section shall be set forth in the fee schedule maintained in the office of the clerk.*

*That section 7-108 of the Code of Highlands, North Carolina, is hereby amended to read as follows:*

*Sec. 7-108. Commercial loading zones.*

*The streets, or parts thereof, described in the traffic schedule maintained by the city clerk, are hereby designated as commercial loading and unloading zones and no person shall stop, stand or park a vehicle therein during the hours of 10:00 am to 5:00 pm for any purpose other than the expeditious unloading and delivery, or pickup and loading of materials and goods, and then only for a period not to exceed thirty (30) minutes. The penalty for violating this section shall be set forth in the fee schedule maintained in the office of the clerk.*

### Fee Schedule Amendment

Pursuant to an affirmative vote of \_\_\_ yeas to \_\_\_ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, the following sections of the Fee Schedule of the

**Town of Highlands are hereby AMENDED:**

**(EXISTING SECTIONS, FOLLOWED BY PROPOSED AMENDMENTS IN RED ITALICS, SHOWING CHANGES.)**

Fine Citation for Violation of Section 7-117, Downtown Business District Parking Ordinance August 1, 2007 April 17, 2014

*From April 15 to May 15 each violator will be issued one written warning. During this time period, if the violator is found in violation again, a citation will be issued. Each citation is \$50.00 first violation and every violation thereafter payable within 15 days of date of issuance. If not paid within the 15 days, a civil summons from a magistrate will be issued to the violator causing the violator to be required to appear in district court accruing court costs on top of the cost of citation. If the violator pays the citation after receiving the civil summons, he/she is still required to pay court costs.*

*That Citation for Violation of Section 7-117, Downtown Business District Parking Ordinance is hereby amended to read as follows:*

*Citation for Violation of Section 7-117, Downtown Business District Parking Ordinance April 17, 2014*

*From April 15 to May 15 each violator will be issued one written warning. During this time period, if the violator is found in violation again, a citation will be issued. Each citation is \$50.00 payable within 15 days of date of issuance. If not paid within the 15 days, a civil summons from a magistrate will be issued to the violator causing the violator to be required to appear in district court accruing court costs on top of the cost of citation. If the violator pays the citation after receiving the civil summons, he/she is still required to pay court costs.*

*NEW Citation for Violation of Section 7-107 Passenger loading zones & Section 7-108 Commercial loading zones April 17, 2014*

*Each citation is \$50.00 payable within 15 days of date of issuance. If not paid within the 15 days, a civil summons from a magistrate will be issued to the violator causing the violator to be required to appear in district court accruing court costs on top of the cost of citation. If the violator pays the citation after receiving the civil summons, he/she is still required to pay court costs.*

After brief discussion as to the process of fining, Commissioner Pierson made a motion to approve the amendments to sections 7-107, 7-108, and 7-117 of the Code of Highlands in relation to parking as presented, which was seconded by Commissioner Stiehler and the vote was unanimous.

**9. Personnel Matters: Amendments to Personnel Policy**

Over the past several months, staff has been working on updating and clarifying the existing town personnel policy. Enclosed with this memo is a summary of the changes as well as a complete personnel policy containing all the proposed changes.

These changes have been reviewed by all department heads, department supervisors and a copy was given to each employee for their review. All employees support the proposed changes.

Commissioner Dotson had several questions and concerns including:

- ❖ Page (74 in agenda packet) 2.5% pay increases for certifications if they are required to stay up to date with certifications
- ❖ Page (76 in agenda packet) change will be to may be for comp time on weekend on-call duty and holiday on-call duty
- ❖ Page (77 in agenda packet) change will to may receive an annual bonus

- ❖ Page (86 in agenda packet) add website showing a link to the state guidelines
- ❖ Page (100 in agenda packet) wants incentive for part-time, temporary, and seasonal employees having to work for full time employees
- ❖ Page (105 in agenda packet) change shall to may fund the payment of tuition
- ❖ Page (105 in agenda packet) change 2.5 to 3.0 for grade point average
- ❖ Page (105 in agenda packet) would like the upfront payment of tuition to be changed to reimbursement of tuition

After discussion as to the concerns of Commissioner Dotson, Mayor Taylor asked for the amendments to the Personnel Policy be tabled and brought back to next month's meeting with the concerns addressed.

## **10. Miscellaneous Matters**

### **A. Greenway Request**

The Highlands Greenway group has requested that the Town Board allow the old sled run to be added to the greenway trail network. After very brief discussion in regards to the shape of the existing run, Commissioner Stiehler made a motion to approve the Greenway's request, which was seconded by Commissioner Patterson and the vote was unanimous.

### **B. Request for One Way Road**

Citizens of Zermatt Circle have requested the Town make this road one way. Commissioner Dotson requested that Public Works Director Lamar Nix look into this matter as one couple's descending driveway would not allow them to abide by the one way street requirement. Mayor Taylor tabled this matter until Nix could do further research into this matter.

### **C. Discussion: Requests for 5K Races**

The Board was presented with two requests for 5K races: one from Gilliam's Promise and one from the Highlands Playhouse. If approved, this would make for three such races this year. As each one requires the police to clear and block off streets before the race and then to collect the barricades after, staff is beginning to think that perhaps there should be a fee associated with holding a race to cover town costs.

Also, staff would like some direction from the board as to whether or not there should be a limit on the number of races that would be allowed to be held each year. Perhaps one every two months for a total of six per year would be appropriate.

After discussion to race routes, limiting the number of races allowed per year and the use of off duty police officers Commissioner Dotson moved to approve both races based on the change of route for the Highlands Playhouse race that is acceptable to the Public Safety Committee. The motion was seconded by Commissioner Patterson and the vote was unanimous.

### **D. Playhouse Deck Construction Request**

The Highlands Playhouse would like to construct a deck on the front of the Playhouse. As this would be an addition to a town owned building, the Board needs to grant permission for the Playhouse to proceed.

Commissioner Patterson wanted clarification as to the location on the drawings. Commissioner Stiehler said the deck would be to the right of the entrance to the Playhouse. Commissioner Dotson said he thought we had design standards that needed to be followed.



Commissioner Dotson and Pierson agreed that the plan should go to the Planning Board even if it is a town owned building. Commissioner Stiehler made a motion for the deck construction to proceed through the proper channels for approval. Commissioner Patterson seconded the motion and the vote was unanimous.

Mayor Taylor wanted to inquire of the Board as to whether they would like the parking committee to stay together or dissolve. Commissioner Patterson said she felt the town could get too many committees and then confusion as to what they are supposed to be doing occurs.

#### **11. Adjournment**

Commissioner Pierson made a motion to adjourn the meeting, which was seconded by Commissioner Stiehler and upon unanimous vote, the Town Board adjourned at 9:21pm.

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Patrick Taylor  
Mayor

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Rebecca R. Shuler, CMC, NCCMC  
Town Clerk