

**Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of January, 17, 2019, at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina**

Town Board Present: Commissioner John Dotson, Commissioner Amy Patterson, Commissioner Brian Stiehler, Mayor Pro Tempore Eric Pierson and Mayor Pat Taylor

Town Board Absent: Commissioner Donnie Calloway

Also Present: Town Manager Josh Ward, Town Attorney Jay Coward, Finance Director Rebecca Shuler, Public Works Director Lamar Nix, Police Chief Bill Harrell, Parks & Recreation Director Lester Norris, Computer Support Specialist Mark Hall and Town Clerk Gibby Shaheen

**1. Meeting Called to Order**

Mayor Taylor called the meeting to order at 7:00pm.

**2. Public Comment Period**

Jerry Moore stated he had been at all meetings except one over the past couple of months discussing the trees on Main Street. Moore urged the Board to proceed cautiously with the trees on Main Street.

David Young thanked the Board for taking time to evaluate and reflect regarding the trees on Main. Young stated his concern was for the protection of the trees. Young asked for money to be spent on curb and gutter for that protection, instead of power to the trees.

Bob Kieltyka stated he was already on record asking the Board to move cautiously with the trees on Main. Kieltyka asked the Board to note the opposition of the citizens.

Vickie Aspinwall stated she was against the plan of trees on Main, but not against trees.

Harry Bears stated the Board was voted in to be good stewards of the community. Bears expressed concern that the Board was not listening to the majority of the citizens who didn't want more trees on Main Street.

Mike Bryson brought attention to the camera facing down Main Street and the talk about adding trees for beatification, if you looked on that shot after the 10inch snow, it doesn't get any prettier than that.

**3. Adjust and Approve the Agenda**

Town Manager Josh Ward asked to add number 11 Financial Matters: Loan for Fiber Construction Resolution Approving Financing Terms. Commissioner Patterson made a motion to approve the agenda as amended, which was seconded by Commissioner Dotson and the vote was unanimous.

**4. Approval of the December 13<sup>th</sup>, 2018, Regular Meeting Minutes**

Commissioner Patterson made a motion to approve the December 13<sup>th</sup>, 2018, regular meeting minutes as presented, which was seconded by Commissioner Stiehler and the vote was unanimous.

**5. Reports**

**A. Mayor**

Mayor Taylor stated he wanted to recognize the completion of the sale of the Hospital from Mission to HCA. Mayor Taylor has been working with Barrett Hawkes advocating to the Attorney General for protection of the hospital. Mayor Taylor stated the Attorney General ordered everything requested. Mayor Taylor thanked Barret Hawkes for his extensive work and his work with other groups and asked him to speak.

Barret Hawkes complimented and thanked the Board of Commissioners for their work and gave credit for it being courageous and standing up by submitting the letter and Resolution to the Attorney General, and staying engaged until it received a great result. Hawkes continued the Board created meetings to help the people understand much better what was happening and thanked the Board again for their brave public service. Hawkes thanked Town Attorney Jay Coward who was instrumental and the Mayor for the numerous calls and meetings.

Mayor Taylor stated he had met with Senator Jim Davis and Macon County Commissioner Jimmy Tate regarding the Gorge Road and are working on a plan possible changing governing laws. Mayor Taylor stated they also discussed Broadband issues and Senator Davis was open to feedback and supported the ideas.

Mayor Taylor announced that Sally Taylor had presented the Blue Zones to Franklin and Sylva and there will be a presentation with no commitment, but for those who want to know more about it. The presentation will be held June 10<sup>th</sup> at the Performing Art Center.

## **B. Commissioners and Committee Reports**

There were no commissioner or committee reports.

## **C. Town Manager**

Town Manager Ward announced the hiring of Code Enforcement Officer John Cherry, who would begin work on February 7<sup>th</sup>. Ward stated crews had been working cleaning up after the storm and asked for patience. Ward continued there is a priority list and they are beginning on the some of the worst hit, crews had been working on Holt Circle and Cullasaja Drive.

Town Manager Ward reminded that Town Hall would be closed on Monday for Martin Luther King Day.

## **6. Consent Agenda**

Public Works Department  
Police Department  
Parks & Recreation Department  
Planning & Development Department  
Treasurer's Report  
Committees and Mayor Pro Temp Appointments  
Resolution for Water Shortage Response Plan



## COMMITTEES OF THE BOARD OF COMMISSIONERS FOR 2019

Finance Committee: John Dotson, Brian Stiehler & Amy Patterson

Public Works Committee: Donnie Calloway, Eric Pierson & Brian Stiehler

Recreation Committee: Amy Patterson, Brian Stiehler & Eric Pierson

Land Use Committee: John Dotson, Eric Pierson & Donnie Calloway

Sustainability Project: Amy Patterson & Patrick Taylor

Scholarship Fund Raising Committee: Patrick Taylor, Donnie Calloway & Brian Stiehler

Business Group: Patrick Taylor & Brian Stiehler

Public Safety: John Dotson, Donnie Calloway & Eric Pierson

MAYOR PRO TEMPORE FOR 2019

Brian Stiehler



**Resolution for Water Shortage Response Plan  
Resolution No. 2019-01-Res**

**WHEREAS**, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

**WHEREAS**, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the Town of Highlands, has been developed and submitted to the Town Board of Commissioners for approval; and

**WHEREAS**, the Town of Highlands finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Highlands, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Highlands that the Water Shortage Response Plan dated December 6, 2018, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

**BE IT FURTHER RESOLVED** that the Town of Highlands Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Upon motion duly made and seconded, the Resolution was unanimously adopted by the Board of Commissioners at a regularly scheduled meeting held on the 17<sup>th</sup> day of January, 2019, in the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.

This the 17<sup>th</sup> day of January, 2019.

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Patrick L. Taylor, Mayor

ATTEST:

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Gilberta B. Shaheen, Town Clerk

Commissioner Patterson made a motion to accept the consent agenda as presented, which was seconded by Commissioner Stiehler and the vote was unanimous.

## **7. Highlands Motoring Festival Presentation**

Steve Ham and Steve Mehder began that June 8<sup>th</sup> will be the 12<sup>th</sup> annual Festival and expected 3,000-4,000 spectators and 80 volunteers working.

In 2018 the Festival made \$40,000 that was gifted to the Literacy Council, REACH and Community Care, and the Town of Highlands support was appreciated.

In 2019 the plan is the same as last year to have the 1 block portion on 5<sup>th</sup> Street from Pine Street to Oak Street closed, which will provide room for 27 cars.

Commissioner Patterson made a motion to close Pine Street and 5<sup>th</sup> Street from Pine Street to Oak Street from 6:00am to 4:00pm on June 8<sup>th</sup>, 2019, which was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.

## **8. Main Street Planter Discussion**

Mayor Taylor began by stating five years ago the Town had an expert do some trimming of current trees and felt that was something that should be considered in the budget for the upcoming year.

Mayor Taylor then reviewed the option that had been discussed, which was option 1 – nothing, option 2 – 4 trees which was the original committee recommendation and option 3 – 7 trees.

Public Works Director and Town Engineer Lamar Nix gave costs estimates and stated it was a broad range because it depended on which option on the actual costs. For an 8 inch tree - \$2,000; grate and frame - \$1,500; cost of concrete if poured; tree guards fabricated - \$500 or less; \$9,000 conduit and wires. Total costs per tree, depending on which tree would be \$3,000-\$4,000 and \$10,000 for electrical.

Commissioner Patterson stated she had a source for trees 5 inch caliper \$470 - \$900, so costs could be cheaper. Commissioner Patterson stated trees genetically selected for this purpose should be considered. Commissioner Patterson also stated the trees should be clustered as opposed to spacing them out.

After discussion and concerns of new ideas being introduced, Commissioner Patterson stated the Board needed to decide if it wanted to proceed or not.

Mayor Pro Tempore Pierson made a motion to place 4 trees between 3<sup>rd</sup> and 4<sup>th</sup> Street and 3 between 4<sup>th</sup> and 5<sup>th</sup> Streets.

Commissioner Dotson asked how the trees were going to be clustered now and then possibly cluster trees in the future.

After further discussion Mayor Taylor expressed concern of a clear path of how this should be done and suggested the motion be amended to put trees on Main Street and let the Land Use Committee to determine placement to do the cluster idea.

Mayor Pro Tempore Pierson withdrew his motion, and the Board tabled the decision for further study not necessary in time for the DOT.

## **9. Financial Matters: Appropriate Donation K-9 Vests**

Police Chief Bill Harrell recognized Patty Hutchins, Jolene Niblack and Barbara Cusachs, volunteers at the Highlands Cashiers Hospital gift shop. Chief Harrell stated he had been contacted by the volunteers and asked if the department needed anything. Chief Harrell stated the volunteers offered funds to provide vests for the patrol dogs. Chief Harrell asked the Board to approve and accept the \$2,800 gift and thanked the ladies for their offer and appreciated their generosity.

Finance Director Rebecca Shuler stated the \$2,800 gift had to be received and allocated to the line item as provided in the Budget Amendment.

TOWN OF HIGHLANDS BUDGET AMENDMENT  
 AMENDMENT # \_\_\_\_\_

January 17, 2019

FROM: General Fund



DEPARTMENT: Police Department  
 EXPLANATION: Donation for K9 Vests and accessories

<b>Account</b>	<b>Description</b>	<b>Increase/Decrease</b>	<b>Debit</b>	<b>Credit</b>
1. 10-3100-0721	Donations ~ Police Dept.	Increase		\$2,800.00
10-5100-3300	K9 vests and accessories	Increase	\$2,800.00	
			<b>Subtotals</b>	
			<b>\$2,800.00</b>	<b>\$2,800.00</b>
			<b>Totals</b>	
			<b>\$2,800.00</b>	<b>\$2,800.00</b>

Approved by Town Manager \_\_\_\_\_

Action by Town Board \_\_\_\_\_

Approved and Entered on Minutes Dated \_\_\_\_\_

Finance Director \_\_\_\_\_

Commissioner Patterson made a motion to accept the donation and approve the Budget Amendment as presented, which was seconded by Commissioner Stiehler and the vote was unanimous.

**10. Financial Matters: Mid-Year Budget Amendments**

Finance Director Rebecca Shuler stated she and Town Manager Josh Ward had reviewed the Budget mid-year and there was nothing over at this point. The Budget Amendments are for Electric Fund, which is not over, but storm contract labor hired by Public Works Director and Town Engineer Lamar Nix caused the need for the line item to be re-allocated; Public Buildings Budget Amendment is because of an oversight on the spreadsheet, the amounts were not added correctly in the total and Water Fund Budget Amendment is to cover a few items re-allocating funds; and Fiber was not budgeted for a full year for supplies, so it's just a mid-year clean-up.

TOWN OF HIGHLANDS BUDGET AMENDMENT  
 AMENDMENT # \_\_\_\_\_

January 17, 2019



FROM: Electric Fund

DEPARTMENT: Electric Dept.

EXPLANATION: Storm Contract Labor ~ Service Electric 10.19.18 \$50,075.58 & 12.30.18 \$55,864.12

Account	Description	Increase/Decrease	Debit	Credit
1. 35-3800-0910	Fund Balance Appropriated	Increase		\$106,000.00
35-8300-5700	Miscellaneous	Increase	\$106,000.00	
<b>Subtotals</b>			<b>\$106,000.00</b>	<b>\$106,000.00</b>
<b>Totals</b>			<b>\$106,000.00</b>	<b>\$106,000.00</b>

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

TOWN OF HIGHLANDS BUDGET AMENDMENT  
 AMENDMENT # \_\_\_\_\_

January 17, 2019



FROM: General Fund

DEPARTMENT: Public Building

EXPLANATION: Allocating Revenue not budgeted

Account	Description	Increase/Decrease	Debit	Credit
1. 10-3100-0201	ABC Store	Increase		\$32,000.00
10-5700-0211	Salaries ~ Part Time	Increase	\$29,400.00	
10-5700-0505	FICA	Increase	\$2,600.00	
<b>Subtotals</b>			<b>\$32,000.00</b>	<b>\$32,000.00</b>
<b>Totals</b>			<b>\$32,000.00</b>	<b>\$32,000.00</b>

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

TOWN OF HIGHLANDS BUDGET AMENDMENT  
 AMENDMENT # \_\_\_\_\_

January 17, 2019



FROM: Water Fund

DEPARTMENT: Water Dept. & Water Treatment Plant  
 EXPLANATION: Allocating Revenue not budgeted

Account	Description	Increase/Decrease	Debit	Credit
1. 30-3800-0402	Connection Fees	Increase		\$1,600.00
30-8100-0420	Prof. Services ~ Engineering	Increase	\$1,000.00	
30-8100-5200	Dues & Subscriptions	Increase	\$20.00	
30-8150-5200	Dues & Subscriptions	Increase	\$580.00	
<b>Subtotals</b>			<b>\$1,600.00</b>	<b>\$1,600.00</b>
<b>Totals</b>			<b>\$1,600.00</b>	<b>\$1,600.00</b>

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

TOWN OF HIGHLANDS BUDGET AMENDMENT  
 AMENDMENT # \_\_\_\_\_

January 17, 2019



FROM: General Fund

DEPARTMENT: MIS/GIS ~ Fiber  
 EXPLANATION: Allocating Revenue not budgeted

Account	Description	Increase/Decrease	Debit	Credit
1. 10-4310-5125	Charges	Increase		\$21,500.00
10-4310-1400	Travel, School & Training	Increase	\$200.00	
10-4310-1600	Maintenance & Repair ~ Equipment	Increase	\$11,300.00	
10-4310-3300	Department Supplies	Increase	\$10,000.00	
<b>Subtotals</b>			<b>\$21,500.00</b>	<b>\$21,500.00</b>
<b>Totals</b>			<b>\$21,500.00</b>	<b>\$21,500.00</b>

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

Commissioner Patterson made a motion to approve the Budget Amendments as presented, which was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.



## **11. Financial Matters: Loan for Fiber Construction Resolution Approving Financing Terms**

Finance Director Rebecca Shuler stated for the Application to go to the LGC, the Board needed to approve the Resolution approving the financing terms with BB&T. Town Attorney Jay Coward has reviewed and questioned if Item #4 was applicable. Shuler stated staff suggests approval of the Resolution with Coward's direction of Item #4 staying in our out.



THE TOWN OF  
**HIGHLANDS**

**Resolution Approving Financing Terms**  
**Resolution No. 2019-02-Res**

**WHEREAS**, the Town of Highlands ("Town") has previously determined to undertake a project for the financing of a fiber backbone for the Town, and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated December 20, 2018. The amount financed shall not exceed \$4,600,000 the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.66%, and the financing terms shall not exceed fifteen (15) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The



Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Upon motion duly made and seconded, the Resolution was unanimously adopted by the Board of Commissioners at a regularly scheduled meeting held on the 17<sup>th</sup> day of January, 2019, in the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.

This the 17<sup>th</sup> day of January, 2019.

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Patrick L. Taylor, Mayor

ATTEST:

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Gilberta B. Shaheen, Town Clerk

Commissioner Patterson made a motion to approve the Resolution contingent upon Town Attorney Jay Coward working out whether Item #4 should be included or removed with BB&T, which was seconded by Commissioner Dotson and the vote was unanimous.

## **12. Adjournment**

As there were no further matters to come before the Board of Commissioners, Commissioner Dotson moved to adjourn which was seconded by Commissioner Pierson and upon a unanimous vote, the Town Board adjourned at 8:45pm.

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Patrick Taylor  
Mayor

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Gilberta B. Shaheen  
Town Clerk