

Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of October 15, 2020, via Zoom, Highlands, North Carolina

Town Board Present: Commissioner John Dotson, Commissioner Amy Patterson, Mayor Pro Tempore Donnie Calloway, Commissioner Brian Stiehler, Commissioner Marc Hehn and Mayor Pat Taylor

Also Present: Town Manager Josh Ward, Town Attorney Jay Coward, Finance Director Rebecca Shuler, Public Works Director Lamar Nix, Fire Chief Ryan Gearhart Police Chief Andrea Holland, Officer Mike Jolly, Parks & Recreation Director Lester Norris, Planning & Development Director Assistant Michael Mathis, Human Resource Director Emilie Nickerson and Town Clerk Gibby Shaheen

1. Meeting Called to Order

Mayor Taylor called the meeting to order at 7:04pm.

2. Public Comment Period

Betsy Hehn thanked the Board for the opportunity to speak and asked the Board to consider granting the hospital's request, she and her family have used the hospital and it is very important for all of our families and it is important that it is fully staffed.

Dr. Patti Wheeler said when she moved here 32 years ago she had no debt and had to borrow \$40,000 for down payment to purchase a home, and it is even harder and more expensive now. Wheeler continued that she had a respiratory therapist living with her to be in the area in case someone had to be put on a ventilator. The town is growing and we need to be prepared, she sees 5 new patients daily and they are not seasonal residents. Wheeler thanked the Board for their consideration.

3. Adjust and Approve the Agenda

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER HEHN AND THE VOTE WAS UNANIMOUS.

4. Approval of the September 17th, 2020, Regular Meeting Minutes

COMMISSIONER DOTSON MADE A MOTION TO APPROVE THE SEPTEMBER 17TH, 2020, REGULAR MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

Approval of the September 28th, 2020, Special Meeting Minutes

Commissioner Patterson asked for the date and time of the public hearing to be added.

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE SEPTEMBER 28TH, 2020, SPECIAL MEETING MINUTES AS AMENDED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE CALLOWAY AND THE VOTE WAS UNANIMOUS.

5. Reports

A. Mayor

Mayor Taylor reported still having problems on the Gorge Road with large trucks and he had spoken with Brian Birch and they are working on changing the state ordinance and better signage. Mayor Taylor reminded that masks are only required in commercial area sidewalks and in businesses and announced early voting was open until October 31st and thanked Jodie Zoellner for her work involved with early voting.

B. Commissioners and Committee Reports

There were no commissioner or committee reports.

C. Town Manager

Town Manager Ward announced the Highlands Community Comprehensive Plan has started and Stewart will be holding a series of meetings beginning next week on Wednesday, Thursday and Friday. Virtual meetings to be held in November for those who were unable to attend the scheduled meetings. All the information can be found on their website highlandscommunityplan.com and our website.

Ward announced paving will begin next Wednesday beginning with Cullasaja Drive and should take about a month to complete. Old Chandler Inn drainage was installed thanks to our public works department and NCDOT and Brysons Paving patched the pavement today and we are hoping it takes care of the issue. Recreation Park exit drainage was repaired and Brysons will pave it tomorrow.

6. Consent Agenda

Public Works Department
Police Department
Parks & Recreation Department
Planning & Development Department
Treasurer's Report
Ice Rink Operational Procedures & Schedule

MAYOR PRO TEMPORE CALLOWAY MADE A MOTION TO ACCEPT THE CONSENT AGENDA AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

7. Public Hearing: Proceed with application to the Local Government Commission (LGC) to secure funds for the construction for the new Fire Department

A. Open Public Hearing

COMMISSIONER DOTSON MADE A MOTION TO OPEN THE PUBLIC HEARING ON THE APPLICATION TO THE LGC TO SECURE FUNDS FOR THE CONSTRUCTION FOR THE NEW FIRE DEPARTMENT AT 7:22PM, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

B. Staff Comments/Recommendation

Town Manager Josh Ward stated last month we reviewed the loan information for the new fire department and the costs will be \$8.5 million at 2.75% for 20 years paid by the Fire tax, recommendation is to approve the Resolution Approving Financing Terms.

C. Public Comments

There were no comments.

D. Close Public Hearing

MAYOR PRO TEMPORE CALLOWAY MADE A MOTION TO CLOSE THE PUBLIC HEARING ON THE APPLICATION TO THE LGC TO SECURE FUNDS FOR THE CONSTRUCTION FOR THE NEW FIRE DEPARTMENT AT 7:23PM, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.



**A Resolution Approving Financing Terms
Resolution No. 2020-08-Res**

WHEREAS, the Town of Highlands, North Carolina (the “Borrower”) has previously determined to finance the construction of a fire station (the “Project”), and the Finance Director has now presented a proposal for the financing of such Project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HIGHLANDS, NORTH CAROLINA, AS FOLLOWS:

1. The Borrower hereby determines to finance the Project through Truist Bank (“Lender”) in accordance with the proposal dated September 15, 2020, or as such proposal may be supplemented or amended by Lender and the Borrower verbally or in writing. The amount financed shall not exceed \$8,500,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.75% and the financing term shall not exceed 20 years from the date of 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 Borrower 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. The Financing Documents shall include a Financing Agreement and Deed of Trust and such other documents as Lender may request. Pursuant to the Financing Agreement and Deed of Trust, (a) Lender will advance moneys to the Borrower to pay the costs of the Project and the financing costs related thereto, and the Borrower will repay such advance in installments, and (b) the Borrower will grant a lien on the site of the Project, or portions thereof, together with all fixtures and improvements located thereon, to Lender as security for such advance.

3. The Finance Director 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 the Finance Director’s satisfaction. The Finance Director is authorized to approve changes to any Financing Documents previously signed by Borrower 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 Director shall approve, with the Finance Director’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 Borrower 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 Borrower 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 Borrower intends that the adoption of this resolution will be a declaration of the Borrower’s official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower’s general funds or any other Borrower fund related to the Project, for costs of the project may be reimbursed from the financing proceeds.

6. All prior actions of Borrower 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 15th day of October, 2020, in the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.

This the 15th day of October, 2020.

Patrick L. Taylor, Mayor

ATTEST:

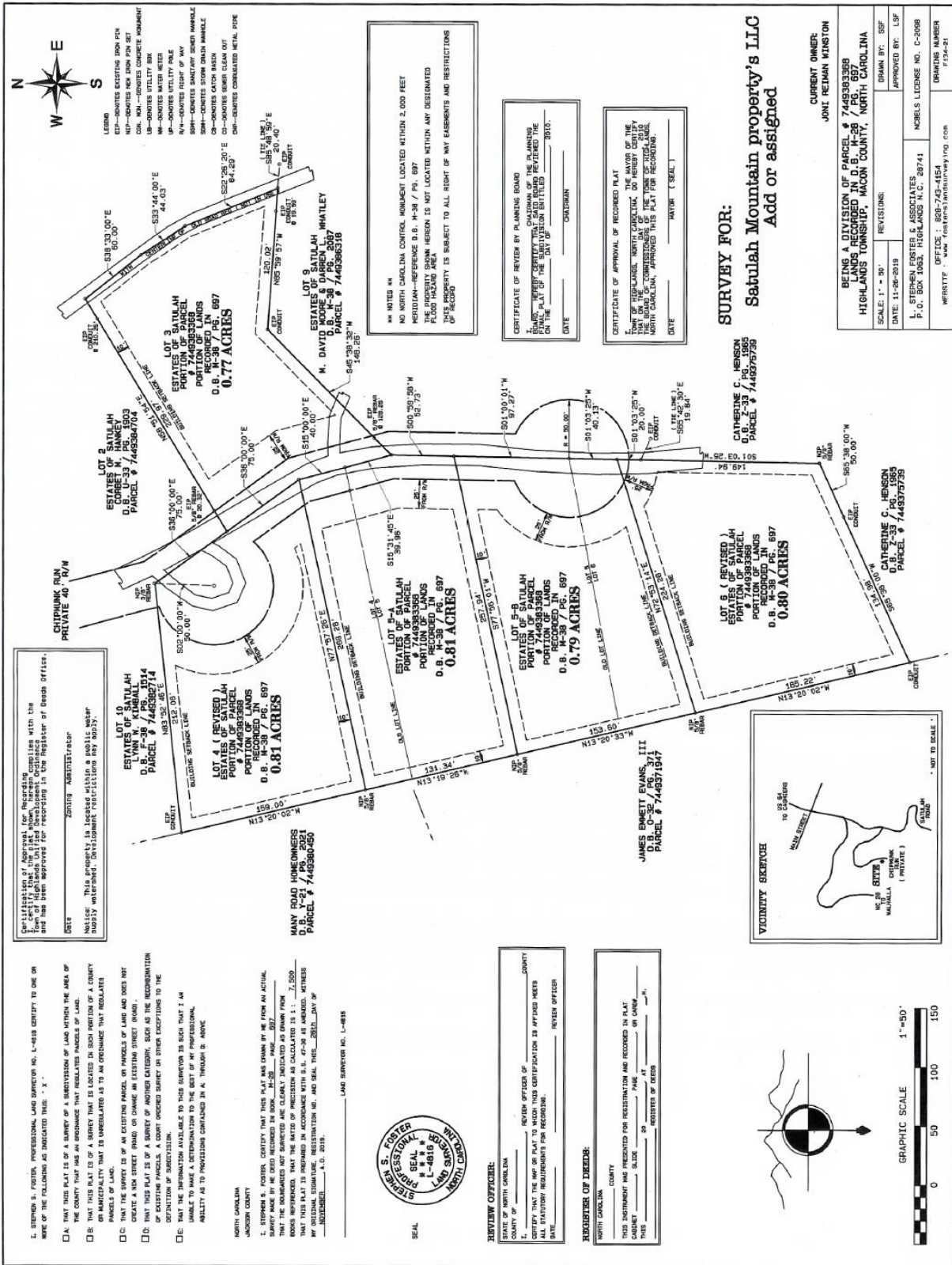
Gilberta B. Shaheen, Town Clerk

E. Council Action

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE RESOLUTION TO APPROVE FINANCING TERMS FOR CONSTRUCTION OF THE NEW FIRE DEPARTMENT WHICH WAS SECONDED BY MAYOR PRO TEMPORE CALLOWAY AND THE VOTE WAS UNANIMOUS.

8. Satulah Mountain Properties, LLC Preliminary Subdivision Plat Review

Assistant Planning & Development Director Michael Mathis said an application was submitted to the Planning Department by Satulah Mountain Property's LLC concerning a property subdivision off Chipmunk Run, PIN #'s: 7449382556 and 7449383368. This is an addition/reconfiguration of an existing subdivision. The parcels are comprised of 3.97 Acres (According to Survey) and are located in the R-1 Zoning District. According to the Unified Development Ordinance (UDO), § 8.2.1, Dimensional Standards, the minimum lot size for a property in the R-1 Zoning District, and the Balance of the Town's Watershed (WS III-BW) is .75 acres. When referencing the Preliminary Plat prepared by L. Stephen Foster & Associates (Drawing number: F134-21 B), and subject to approval, the newly formed properties will consist of 5 lots that exceed .75 acres. According to a Utilities Plan developed by Stillwell Engineering, each lot will be connected to Town electric and Town water. According to Macon County Improvement Permits, all parcels will have septic areas. Each lot is accessible through Chipmunk Run, which has a 40-foot private right-of-way. Public Works Director Lamar Nix has reviewed and approved the Utilities Plan for this project. If approved, each lot will meet the minimum density requirements for the R-1 zoning district and will conform with the Town of Highlands UDO. The Planning Board reviewed and approved this item on September 28, 2020. The recommendation is to approve the Preliminary Plat as submitted.



COMMISSIONER STIEHLER MADE A MOTION TO APPROVE THE PRELIMINARY SUBDIVISION PLAT FOR SATULAH MOUNTAIN PROPERTIES, LLC, AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

9. H-C Hospital Workforce Housing Water/Sewer Request

Discussion was held and questions answered.

MAYOR PRO TEMPORE CALLOWAY MADE A MOTION TO DENY THE H-C HOSPITAL WORKFORCE HOUSING WATER/SEWER REQUEST, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS 4 TO 1 WITH COMMISSIONER HEHN OPPOSING.

10. Employee Christmas Bonus & COLA Discussion



Agenda Item

Date: October 15, 2020

To: Mayor Pat Taylor and Town Board of Commissioners

Prepared By: Emilie Nickerson, HR Director

Subject: COLA Raises and Annual Christmas Bonus

Background:

I was asked to prepare a 1%, 2% and 3% COLA raise for 6 months, as well as prepare a 1% Annual Christmas Bonus.

The COLA amounts for 6 months are:

- 1% COLA would cost \$14,152.86.
- 2% COLA would cost \$32,268.17.
- 3% COLA would cost \$48,619.01.

Currently, the Annual Christmas Bonus is based on longevity:

- Less than one year \$200
- Between one year and ten years \$250
- Between ten and twenty years \$300
- Twenty plus years \$350

Total: \$18,900.00

Another option that several of the surrounding governmental agencies (Macon Co. & Town of Franklin) provide is an Annual Christmas Bonus of 1% the employee's salary. The total for this would be \$33,204.97, which would be \$14,304.97 more than the current bonus. This is for our full-time employees.

For part time employees we usually give a \$25 gift card costing a total of \$1,100.00.

COMMISSIONER STIEHLER MADE A MOTION TO APPROVE A 3% COLA RAISE EFFECTIVE JANUARY 1ST, 2021, WHICH WAS SECONDED BY MAYOR PRO TEMPORE CALLOWAY AND THE VOTE WAS UNANIMOUS.

COMMISSIONER DOTSON MADE A MOTION TO DOUBLE THE ANNUAL CHRISTMAS BONUS IN EACH OF THE 4 TIME SPANS AND A \$50 GIFT CARD FOR PART TIME EMPLOYEES, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

11. Bear Feeding Ordinance & Bear Resistant Container Enforcement



ORDINANCE AMENDMENT

Pursuant to an affirmative vote of _____ yeas and _____ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 15th day of October, 2020, 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:

Code of Highlands ~ Chapter 3 Animals

(EXISTING CODE LANGUAGE IN BLACK & PROPOSED AMENDMENTS IN RED.)

Chapter 3 - ANIMALS

ARTICLE I: NUISANCE DOGS

Sec. 3-1. - Nuisance dogs.

Definition.

- (a) The keeping or maintenance of any dog which by prolonged and habitual barking, howling, or whining causes serious annoyance to neighboring residents and interferes with the reasonable use and enjoyment of the premises occupied by such residents, or with the reasonable use and enjoyment of the public streets, sidewalks, or other public areas, and
- (b) Any dog which leaves the owner's property and causes any damage to real or personal property or displays any aggressive behavior, and
- (c) Any dog at large may be seized, and if an owner is not located the dog will be impounded and confined in the animal shelter and thereafter adopted out or disposed of pursuant to procedures of the animal shelter and applicable state law, and is hereby declared to be a public nuisance, and shall be abated as provided in this section.

Nuisance dogs, as defined herein, are declared to be nuisances under chapter 8 ("Nuisances") of this Code of Ordinances.

(Ord. No. 2011-01-Ord, 3-2-11, Ord. of 4-18-19)

Cross reference— Nuisances, Ch. 8.

State Law reference— City's authority to regulate noise, G.S. § 160A-184.

Sec. 3-2. - Immediate destruction.

Nothing in this chapter shall be construed to prevent the immediate destruction by a police officer of any vicious dog or other animal when less drastic methods, such as tranquilizing, are not available or effective and when neither a member of the police

department, nor the animal's owner is able to restrain or control the animal so that it might be impounded.

(Ord. No. 2011-01-Ord, 3-2-11)

Sec. 3-3. - Responsibility to control dogs.

*(a) No keeper of any dog shall cause or allow such dog to soil, defile or defecate on any public property, or upon any street, sidewalk, public way, or play area; unless such keeper immediately removes and disposes of all fecal matter deposited by such dog by collecting the feces and placing it in a paper or plastic bag or other container, and thereafter removing such bag or container and disposing of the same in a manner as otherwise permitted by law. **Violations of this subsection shall be punishable by a civil penalty of two-hundred and fifty dollars (\$250).***

(b) No keeper of any dog shall allow such dog to enter upon and remain within the Highlands Ball Park, at any time, for any purpose, whether leashed or unleashed. "Highlands Ball Park," as used in this section, shall mean the area enclosed by fencing, and owned by the Town of Highlands, located at 444 Hickory Street in Highlands, and designated as the "Highlands Ball Park." Violations of this subsection shall be punishable by a civil penalty of two-hundred and fifty dollars (\$250). Allowing a dog to run loose such that it habitually enters upon the above described Highlands Ball Park shall be included within the list of "nuisance" activities under other provisions of this chapter.

(c) Every person owning, or having possession, charge, care, custody or control of any dog shall keep such dog exclusively upon the keeper's real property, or upon the real property of any other owner or lawful occupant, with permission within any contiguously nonresidential zoned parcel to Main Street and within the Highlands Municipal Cemetery (see adopted "Leash Law Zone" map). These provisions shall also include the enforcement of all pet specific Highlands Plateau Greenway regulations located within the Recreation Park/ Mill Creek Greenway Area. However, such dog may be off the keeper's real property if it is within a vehicle, or is under the immediate physical control of a competent person, and is physically restrained and sufficiently controlled by leash, chain, or harness, held in the hand of such person. This provision shall not apply to the Highlands Dog Park, which as used in this section shall mean the area enclosed by fencing and owned by the Town, which is located within the Highlands Recreation Park on Foreman Road in Highlands, North Carolina, and which is designated as "The Highlands Dog Park." Violations of this subsection shall be punishable by a civil penalty of two-hundred and fifty dollars (\$250). Exceptions to this subsection:

- (1) Service animals trained to provide assistance to persons impaired by sight, hearing, mobility, or other impairment, do not have to be under physical restraint while off the keeper's premises if the dog is under the direct control of the impaired person, and is obedient to that person's commands. Any enforcing officer may request proof of service animal status and registration to satisfy this exception.*

(Ord. No. 2011-01-Ord, 3-2-11)

ARTICLE II: WILD ANIMALS

Sec. 3-4. – Bears.

(a) Intentional feeding of bears is prohibited within the town of Highlands.

(b) Leaving food, garbage or any other substance in any manner that attracts or allows bears access is prohibited in the Town of Highlands.

Sec. 3-5. - Violations.

Violations of this subsection shall be punishable by a civil penalty of two-hundred and fifty dollars (\$250).

Sec. 3-6. - Enforcement.

Officers of the Highlands Police Department and/or North Carolina Wildlife Officers are responsible for enforcing this ordinance within the corporate boundaries of the Town of Highlands.

COMMISSIONER DOTSON MADE A MOTION TO APPROVE THE REVISIONS TO CHAPTER 3 ANIMALS AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER 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 PATTERSON AND UPON A UNANIMOUS VOTE, THE TOWN BOARD ADJOURNED AT 8:34PM.

Patrick Taylor
Mayor

Gilberta B. Shaheen
Town Clerk