

Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of November 19, 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, MIS/GIS Director Matt Shuler, Police Chief Andrea Holland, Parks & Recreation Director Lester Norris, Planning & Development Director Assistant Michael Mathis and Town Clerk Gibby Shaheen

1. Meeting Called to Order

Mayor Taylor called the meeting to order at 7:02pm.

2. Public Comment Period

Glenda Bell as chair for Mountain Findings expressed concern with the Laurel Street Alley issue to re-pave and/or re-route and the fact that it will come across the yard and affect Mountain Findings parking.

3. Adjust and Approve the Agenda

Commissioner Hehn asked to add the pledge and moment of silence to the agenda and to add it to future meetings. After discussion was held, Mayor Taylor requested the Town Attorney Jay Coward to look into any issues and report back to the Board.

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

4. Approval of the October 15th, 2020, Regular Meeting Minutes

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE OCTOBER 15TH, 2020, REGULAR MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

Approval of the November 3rd, 2020, Special Meeting Minutes

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE NOVEMBER 3RD, 2020, SPECIAL MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

Approval of the November 9th, 2020, Special Meeting Minutes

COMMISSIONER STIEHLER MADE A MOTION TO APPROVE THE NOVEMBER 9TH, 2020, SPECIAL MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

5. Reports

A. Mayor

Mayor Taylor announced the community plan is underway and encouraged all residents to participate. Mayor Taylor also announced Governor Cooper's new map to make citizens aware of the COVID spread and his limit on gatherings.

B. Commissioners and Committee Reports

There were no commissioner or committee reports.

C. Town Manager

Town Manager Ward updated the Board that the LGC application for the Fire Department was submitted and would be heard on December 1st, 2020 and the loan should close on December 8th, 2020. Town Manager Ward reported he had met with Fire Chief Gearhart, Public Works Director and Town Engineer Lamar Nix, Project

Manager Bob Rawson and Army Corp engineer at the new property to discuss the wetland area and what could be done. A plan was decided upon and we are now waiting for permits, but there is a \$12,000 mitigation fee.

Town Manager Ward also reported on the paving schedule of Hickory Street, Cullasaja Drive, Pinecrest and Church Alley; Town Hall would be closed Thursday and Friday November 26th and 27th for the Thanksgiving Holiday; and Macon County Youth basketball would begin playing games with fogging between games.

6. Consent Agenda

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

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

7. 2019-20 Audit Presentation

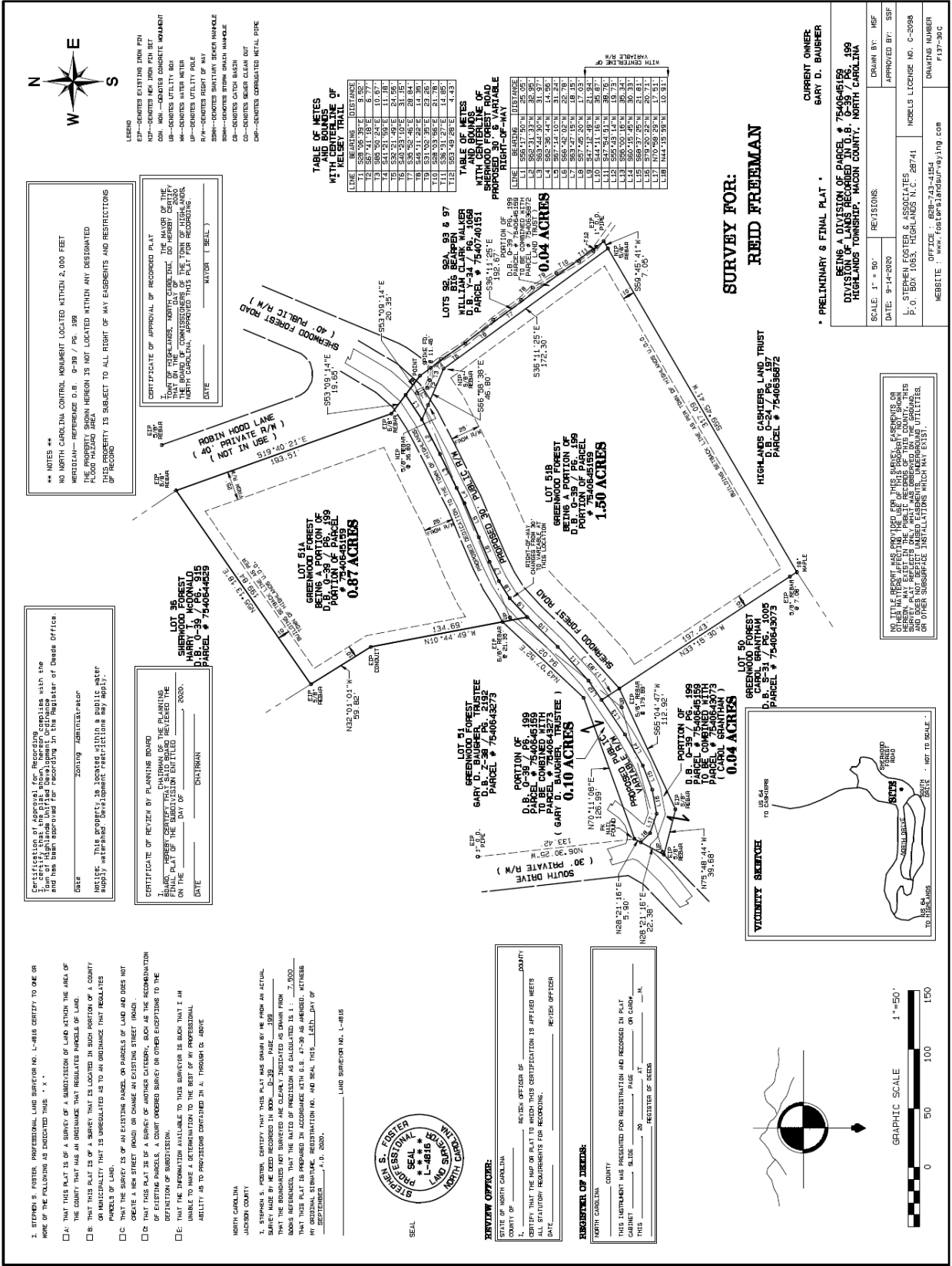
Morgan Coley from Martin, Starnes & Associates presented the annual audit overview, with pending approval of LGC.

8. Reid Freeman Preliminary & Final Subdivision Plat Review

Assistant Planning and Development Director Michael Mathis stated that an application was submitted to the Planning Department by Reid Freeman concerning a property subdivision off Sherwood Forest Road, PIN #'s: 7540645159, 7540643273, and 7540643073. The original parcel is comprised of 2.51 acres (According to Survey) and is 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: F137-30C), and subject to approval, the newly formed properties will consist of 2 lots that exceed 0.75 acres (Lots 51A & 51B). Mr. Freeman is giving a 0.10-acre portion to Lot 51 and a 0.04-acre portion to Lot 50. Both Lot 51 and 50 are existing lots. Each lot is accessible off Sherwood Forest Road, which will have a proposed variable public right-of-way. According to Public Works Director Lamar Nix, both newly formed properties have access to Town electricity, water, and sewer. If approved, both lots will meet the minimum density requirements of the R-1 zoning district and will conform with the Town of Highlands UDO. The Planning Board will review this item on Wednesday, November 18, 2020. Staff recommendation is to approve the Preliminary and Final Plat as submitted.

Discussion was held.

COMMISSIONER DOTSON MADE A MOTION TO APPROVE THE FREEMAN PRELIMINARY AND FINAL SUBDIVISION PLAT AS PRESENTED TO TAKE EFFECT ON OR AFTER CLOSING, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS 4 TO 1 WITH COMMISSIONER HEHN OPPOSING.



9. Sherwood Forest Road Right-of-Way Dedication Request

Town Manager Josh Ward explained the second part of the what the Freeman’s wish to accomplish was to dedicate the right of way of the road (South Drive) crossing the property to the town since it was already in use by the town and other neighbors. Discussion was held and concerns were made regarding setting a standard of accepting a road not meeting subdivision standards, but a legitimate concern of erosion prompted the Board to make an exception.

Mayor Taylor announced that the Land Use Committee will meet and review the policy for changes to make exceptions for such instances.

COMMISSIONER PATTERSON MADE A MOTION TO ACCEPT ROAD RIGHT OF WAY WITH NO OBLIGATION TO MAINTAIN EXCEPT NORMAL CURRENT MAINTENANCE, AND ACKNOWLEDGES TOWN SPECIFICATIONS ARE NOT MET

BUT IS ACCEPTED BECAUSE OF VALID ENVIRONMENTAL CONCERNS AND CONTINGENT ON THE SALE TO FREEMAN, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS 4 TO 1 WITH COMMISSIONER HEHN OPPOSING.

10. Annexation Request – Betsy Bird/555 Arnold Rd

Town Clerk Gibby Shaheen stated Betsy Jenkins Bird of 555 Arnold Road submitted a Petition for Voluntary Annexation along with the letter and survey in the agenda. Staff is seeking the pleasure of the Board if it wants to proceed with the certification and steps to proceed with the voluntary annexation.

COMMISSIONER HEHN MADE A MOTION TO PROCEED WITH THE CERTIFICATION PROCESS, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

11. Amendment to Highlands Code of Ordinance Chapter 12: Solid Waste Management, Sec. 12-2: Receptacles & Containers



ORDINANCE AMENDMENT

Pursuant to an affirmative vote of 5 yeas and nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 19th day of November, 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 12 Solid Waste Management,
Sec. 12-2. – Receptacles and containers - Required

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

Chapter 12 – SOLID WASTE MANAGEMENT

Sec. 12-2. - Receptacles and containers—Required.

It shall be the duty of every person in possession, charge, or control of any place in or from which business trash, foreign material, garbage, household trash, industrial waste, tree trimmings, and yard trash is created, accumulated, or produced, to provide and at all times to keep in a suitable place readily accessible to the city collection crews or private collection agencies, adequate and suitable receptacles and containers capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections. The owner of any multifamily apartment shall furnish or require his tenants to furnish proper waste receptacles and containers. All waste is to be bagged and placed in an approved receptacle or container **and the lid must be secured by using the manufacturers locking mechanism**, failure to do so shall result in penalties described in Section 12-14.

(Code 1982, § 9.22; Ord. of [8-22-19\(3\)](#))

Cross reference— Receptacles required, § 13-19.

COMMISSIONER DOTSON MADE A MOTION TO APPROVE THE AMENDMENT TO HIGHLANDS CODE OF ORDINANCE CHAPTER 12: SOLID WASTE MANAGEMENT, SEC. 12-2: RECEPTACLES & CONTAINERS, AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

12. Construction of Laurel Street Alley

Public Works Director and Town Engineer Lamar Nix presented a map showing where Laurel Street Alley is supposed to be located and where it currently runs onto the old funeral home property. Nix described the work needed to put the alley in the correct place and said the permit from the NCDOT should be received in January. Discussion was held on if it should proceed with the relocation or close the alley. Nix said it would be difficult to provide a turn around and suggested to proceed. Commissioner Patterson asked if it could be postponed so everyone had the chance to go by and check out the markings in person and the Board agreed.

13. Christmas Parade Update

Chamber of Commerce Director Kaye McHan updated the Board that the parade would be a drive through to help with Covid safe activities and requested the closure of the streets, Main Street, portion of Fifth Street and Pine Street from 5pm to 9pm on Saturday, December 5, 2020.

COMMISSIONER STIEHLER MADE A MOTION TO APPROVE THE STREET CLOSURES OUTLINED FOR THE PARADE, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

14. WHLC Reimbursement Request – Big Bear Pen Tower

Chuck Cooper of WHLC explained to the Board the requirement for the radio station to move up the tower for the Verizon Wireless installation and requested the Town reimburse the expenses paid. Discussion was held.

COMMISSIONER STIEHLER MADE A MOTION TO REIMBURSE WHLC FOR THE MOVE UP IN THE SUM OF \$6,595.00 TO BE PAID FROM THE FUND BALANCE FROM THE GENERAL FUND, WHICH WAS SECONDED BY COMMISSIONER HEHN AND THE VOTE WAS UNANIMOUS.

15. Closed Session: NCGS §318.11(a)(1) To protect confidential or privileged information; and update from energy consultant Kevin O'Donnell concerning Duke Energy Settlement

Closed Session: NCGS §318.11(a)(3): Attorney Client Privilege & NCGS §143-318.11(a)(4): Discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body to discuss the Smart Cities Project Proposals

MAYOR PRO TEMPORE CALLOWAY MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS §318.11(A)(4) TO DISCUSS MATTERS RELATING TO THE LOCATION OR EXPANSION OF INDUSTRIES OR OTHER BUSINESSES IN THE AREA SERVED BY THE PUBLIC BODY AT 9:19PM, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

ONCE DISCUSSION WAS HELD, MAYOR PRO TEMPORE CALLOWAY MADE A MOTION TO GO BACK INTO OPEN SESSION AT 10:03PM, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

COMMISSIONER HEHN MADE A MOTION TO AUTHORIZE TOWN MANAGER JOSH WARD TO SIGN THE DUKE ENERGY SETTLEMENT AGREEMENT, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

COMMISSIONER PATTERSON MADE A MOTION TO INSTRUCT LEGAL STAFF TO DEVELOP A CONTRACT FOR SMART CITIES AND ENTER CONTRACT

NEGOTIATIONS WITH HOTWIRE, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS 4 TO 1 WITH COMMISSIONER HEHN OPPOSING.

MAYOR PRO TEMPORE CALLOWAY MADE A MOTION TO SET A PUBLIC HEARING FOR THE REGULAR SCHEDULED DECEMBER BOARD MEETING FOR THE REFINANCE WITH BB&T FOR THE BROADBAND CONSTRUCTION TO GO TO THE LOCAL GOVERNMENT COMMISSION IN JANUARY, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

16. 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 10:15PM.

Patrick Taylor
Mayor

Gilberta B. Shaheen
Town Clerk