

Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of January 21, 2021, via Zoom, Highlands, North Carolina

Town Board Present: Commissioner John Dotson, Mayor Pro Tempore Amy Patterson, Commissioner Brian Stiehler, Commissioner Marc Hehn 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, 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 7:03pm.

2. Public Comment Period

There were no comments.

3. Adjust and Approve the Agenda

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

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

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO APPROVE THE DECEMBER 17TH, 2020, REGULAR MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

5. Reports

A. Mayor

Mayor Taylor announced we had a successful COVID-19 vaccination clinic with the first round being administered and thanked CEO Tom Neal, his staff and volunteers. Mayor Taylor introduced Tom Neal and he gave an overview of the process for the clinics and the vaccines.

B. Commissioners and Committee Reports

Commissioner Hehn said he had been researching the water contract with the hospital and asked the Board to reconsider negotiating with them about the employee housing and have it added to the agenda. Mayor Taylor said we needed to follow the guidelines to bring before the Board. Commissioner Hehn asked for the Code of Conduct and Finance Director Rebecca Shuler said we have one that we would get him a copy of it. Commissioner Hehn asked to be removed from the Recreation Committee.

C. Town Manager

Town Manager Ward reported the New Fire Department loan with the LGC closed on January 8th and there would be a small ground-breaking ceremony in the morning. Town Manager Josh Ward also reported the Comprehensive plan website highlandscommunityplan.com under the resource tab was a presentation of the steering committee that was very informative and encouraged everyone to view.

Town Manager Josh Ward clarified he had said that there was not a prepayment penalty after 10 years for the Fiber Smart Cities project loan being refinanced, however there is a one percent (1%) prepayment penalty if paid in the first seven years, but no penalty after the first seven years.

6. Consent Agenda

- Public Works Department
- Police Department
- Parks & Recreation Department
- Planning & Development Department
- Treasurer's Report
- Budget Meeting Schedule
- Planning/Zoning Board Appointments



Agenda Item

- Date:** January 21, 2021
- To:** Mayor Patrick Taylor and Town Board of Commissioners
- Prepared By:** Michael Mathis
- Subject:** **Planning Board Appointments**

The Town of Highlands Planning Board members are required to be appointed annually.

The Land Use Committee reviewed Applications for Planning Board Members and recommends the following for appointment:

- Dennis DeWolf
- Rick Trevathan
- Brad Armstrong
- Darren Whatley
- Christopher Wilkes
- Helene Siegel
- Nicolaus McCall



Agenda Item

- Date:** January 21, 2021
- To:** Mayor Patrick Taylor and Town Board of Commissioners
- Prepared By:** Michael Mathis
- Subject:** **Zoning Board Appointment**

Background:

The Town of Highlands currently has a vacancy on the Zoning Board. Clayton Hartman and James Ward are the current alternate members, with one of them to become a regular member, leaving one alternate member vacancy.

Recommendation:

The Land Use Committee recommends that Clayton Hartman serve as a regular member, James Ward remain an alternate member and Bill Futral be appointed and serve as an alternate member.

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

7. Public Hearing: Proposed Annexation of 555 Arnold Road – PIN#7530638095

A. Open Public Hearing

COMMISSIONER STIEHLER MADE A MOTION TO OPEN THE PUBLIC HEARING ON THE ANNEXATION REQUEST FOR 555 ARNOLD ROAD 7:47PM, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

B. Staff Comments/Recommendation

Assistant Planning & Development Director Michael Mathis stated on November 3, 2020, a Petition for Annexation was submitted by Betsy Bird to the Town of Highlands. The subject property is located at 555 Arnold Road (PIN#7530638095); it is 1.31 acres and is contiguous to the Town of Highlands. The property is currently used as a single-family residential dwelling and is seeking a residential zoning classification. If the Town Board elects to annex Ms. Bird’s property, a public hearing must follow to set an initial zoning for the newly annexed parcel.

C. Public Comments

There were no comments.

D. Close Public Hearing

COMMISSIONER STIEHLER MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR THE ANNEXATION REQUEST FOR 555 ARNOLD ROAD AT 7:48PM, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

E. Council Action



**An Ordinance to Extend the Corporate Limits
Of The Town Of Highlands, North Carolina
555 Arnold Road
2021-01-Ord**

WHEREAS, the Board of Commissioners of the Town of Highlands has been petitioned under NCSG 160A-31 to annex the property described below; and

WHEREAS, the Board of Commissioners of the Town of Highlands has directed the Town Clerk to investigate the sufficiency of the petition;

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held via Zoom, at 7pm on the 21st day of

January, 2021 after due notice by The Highlander Newspaper on Thursday, January 7, 2021; and

WHEREAS, the Board of Commissioners of the Town of Highlands finds that the petition meets the requirements of NCGS §160A-31;

NOW, THEREFORE, BE IT ORDAINED, by Board of Commissioners of the Town of Highlands, North Carolina, that:

Section 1. By virtue of the authority granted by NCGS 160A-31, the following property is hereby annexed and made part of the Town of Highlands as of the 21st day of January, 2021:

1. Betsy Jenkins Bird, Trustee (555 Arnold Road) as recorded in Deed Book C-40, Pages 2223-2225, Macon County Registry. Parcel No. 7530638095, Map Sheet 7530.00, consisting of 1.31 acres.

Section 2. Upon and after the 20th day of August, 2020, the above described property and owner shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Highlands, and shall be entitled to the same privileges and benefits as parts of the Town of Highlands. Said property shall be subject to municipal taxes according to NCGS 160A-58.10.

Section 3. The Town Clerk of the Town of Highlands shall cause to be recorded in the Macon County Registry and the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed property, described in Section 1, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Macon County Board of Elections, as required by NCGS §163-288.1.

This ordinance is adopted this 21st day of January, 2021.

Patrick L. Taylor, Mayor

ATTEST:

Gilberta B. Shaheen, Town Clerk

COMMISSIONER STIEHLER MOVED TO APPROVE THE ANNEXATION OF THE 555 ARNOLD ROAD PIN #7530638095 AND TO ACCEPT THE ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF HIGHLANDS AS PRESENTED. THE MOTION WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS 3 TO 1 WITH COMMISSIONER DOTSON OPPOSING.

8. Public Hearing: Proposed R-1 Zoning of 555 Arnold Road – PIN#7530638095

A. Open Public Hearing

COMMISSIONER STIEHLER MADE A MOTION TO OPEN THE PUBLIC HEARING ON THE R-1 ZONING REQUEST FOR 555 ARNOLD ROAD AT 7:50 PM, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

B. Staff Comments/Recommendation

Assistant Planning & Development Director Michael Mathis stated as per the Town's Zoning Map, the subject lot is contiguous to properties zoned R-1 Residential. To stay consistent with the neighborhood's residential characteristic, it is recommended that Ms. Bird's property be zoned R-1 Residential upon annexation approval by the Town Board. The Planning Board met on December 28, 2020, and recommended that Ms. Bird's property be zoned R-1.

C. Public Comments

There were no comments.

D. Close Public Hearing

COMMISSIONER STIEHLER MADE A MOTION TO CLOSE PUBLIC HEARING ON THE R-1 ZONING REQUEST FOR 555 ARNOLD ROAD AT 7:53PM, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

E. Council Action



**An Ordinance Amending the Official Zoning Map of the Town of Highlands
Ordinance #2021-02-Ord**

Be it ordained by the Town of Highlands Board of Commissioners:

1. Pursuant to Article 4. Applications and Permits Sec. 4.5 Conditional Zoning Districts of the Unified Development Ordinance Highlands, North Carolina amendments of the Unified Development Ordinance and Zoning Map of the Town of Highlands is hereby amended to reflect the annexation and designation of zoning for a portion of Parcel No. 7530638095 for R-1 zoning.
2. The annexation and zoning designation for Parcel No. 7530638095, reflected on Zoning Map #2021-01-Map.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

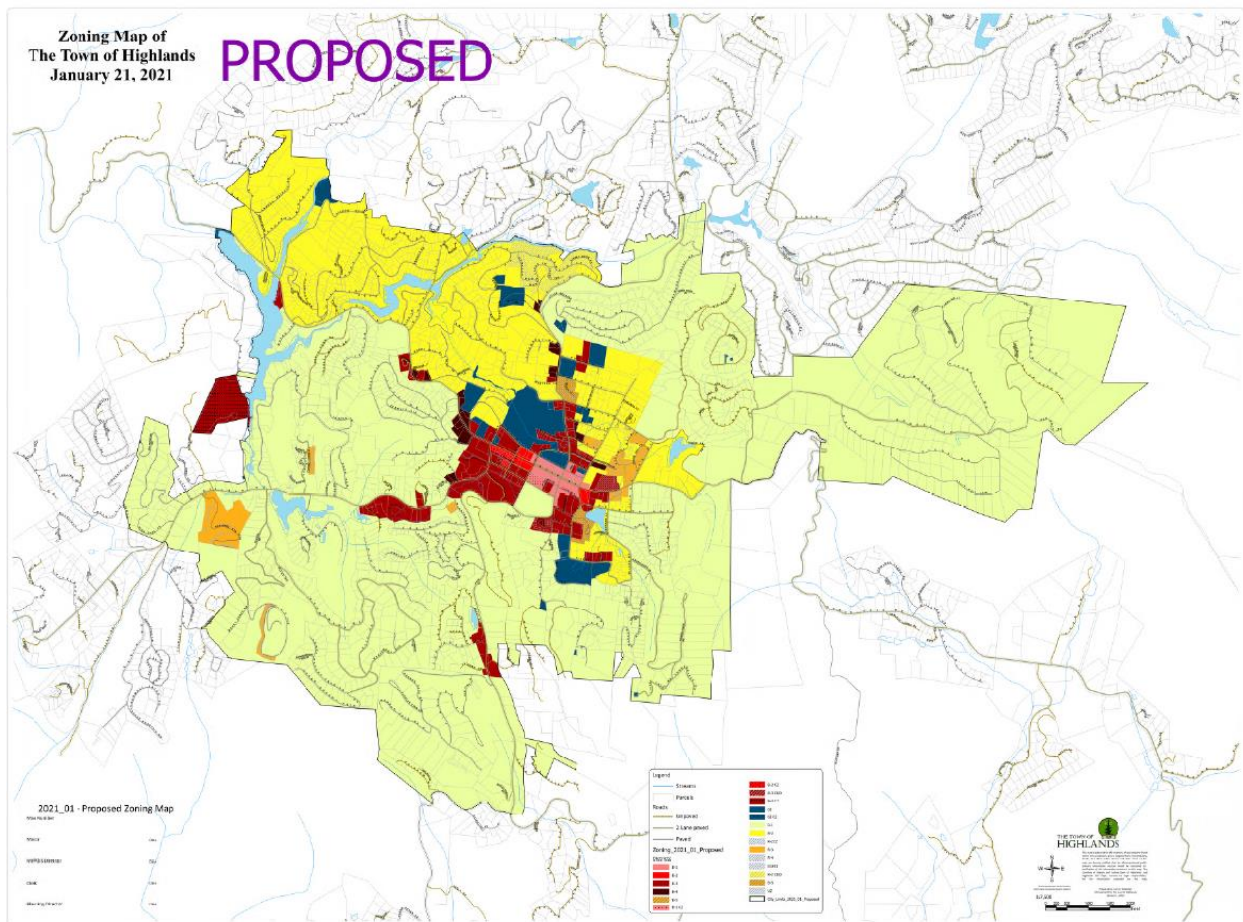
Adopted this the 21st day of January, 2021.

Patrick Taylor, Mayor

Attest:

Gilberta B. Shaheen, Town Clerk
Approved as to form:

Jay K. Coward, Town Attorney



**STATEMENT OF CONSISTENCY
WITH THE TOWN OF HIGHLANDS LAND USE PLAN FOR THE
AMENDMENT TO THE ZONING MAP OF THE TOWN OF HIGHLANDS
PER NCGS 160A-383**

Zoning Map Amendment for PIN #7530638095

BE IT HEREBY RESOLVED by the Board of Commissioners of the Town of Highlands, North Carolina, that in accordance with provisions of North Carolina General Statute 160A-383, the Board of Commissioners hereby finds and determines that the amendment to the Zoning Map of the Town of Highlands is consistent with the goals, objectives, and policies of the Town's adopted Land Use Plan. Specifically, the zoning map amendment will provide consistency with the property's residential characteristic. It will also offer an initial zoning classification for the newly annexed parcel.

COMMISSIONER STIEHLER MADE A MOTION TO APPROVE THE R-1 RESIDENTIAL ZONING ON THE NEWLY ANNEXED PROPERTY 555 ARNOLD ROAD PIN #7530638095, THE ORDINANCE AMENDING THE ZONING MAP, THE 2021-01 -ZONING MAP AND STATEMENT OF CONSISTENCY WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

9. Billabel Time, LLC – Review and Approve Final Plat

Assistant Planning & Development Director Michael Mathis stated A final plat was submitted to the Planning Department by Bill Futral concerning a property subdivision on 781 Foreman Road, PIN #: 7540250240. The property is 2.10 Acres (per drawing #: 0905A prepared by Pioneer Land Surveying) and is located in the R-2 Zoning District.

According to the Unified Development Ordinance (UDO), § 8.2.1, Dimensional Standards, the minimum lot size for a property located in the R-2 zoning district and the Balance of the Town’s Watershed is .50 acres. When referencing the final plat prepared by Pioneer Land Surveying, and subject to approval, “Lot 1” will contain .513 acres; “Lot 2” will contain .526 acres; “Lot 3” will contain .528 acres; and “Lot 4” will contain .534 acres. There will be two shared driveways created. One is accessible off Foreman Road for Lots 1&2, and the other is accessible off Ramsey Lane for Lots 3&4. Each parcel is connected to Town water, electricity, and sewer (per Public Works Director Lamar Nix). If approved, each property will comply with all density requirements in the Town’s UDO. The Planning Board reviewed this item on Monday, December 28, 2020. Their recommendation was contingent upon the developer obtaining an access easement from a neighboring parcel where Ramsey Lane encroached. The surveyor used an earlier plat that showed the road veering out of the right-of-way designation and onto an adjacent lot. Upon surveying Ramsey Lane, the surveyor found that the road does not infringe on the neighboring property; it indeed falls within the 33’ right-of-way. Therefore, no access easement is required. Staff recommends to approve the final plat as submitted.

COMMISSIONER DOTSON MADE A MOTION TO APPROVE THE FINAL PLAT AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIELHER AND THE VOTE WAS UNANIMOUS.

10. Mid-Year Budget Amendments

Finance Director Rebecca Shuler presented four mid-year Budget Amendments.

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

January 15, 2021

FROM: General Fund



DEPARTMENT: Governing Body

EXPLANATION: Dues & Subscriptions are over due to Zoom fees

	Account	Description	Increase/Decrease	Debit	Credit
1.	10-3100-0601	Misc. Income	Increase		\$2,000.00
				Subtotal	\$2,000.00
2.	10-4000-5200	Dues & Subscriptions	Increase	\$2,000.00	
				Subtotal	\$2,000.00
				Subtotals	\$2,000.00
				Totals	\$2,000.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

TOWN OF HIGHLANDS BUDGET AMENDMENT
 AMENDMENT # _____

January 15, 2021



FROM: General Fund

DEPARTMENT: MIS/GIS ~ Fiber
 EXPLANATION: Overtime

Account	Description	Increase/Decrease	Debit	Credit
1. 10-4310-5125	Charges	Increase		\$2,200.00
			Subtotal	\$2,200.00
2. 10-4310-0204	Overtime	Increase	\$2,200.00	
			Subtotal	\$2,200.00
			Subtotals	\$2,200.00
			Totals	\$2,200.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

TOWN OF HIGHLANDS BUDGET AMENDMENT
 AMENDMENT # _____

January 15, 2021



FROM: Sewer Fund

DEPARTMENT: Sewer Dept.
 EXPLANATION: Department Supplies ~ we have had to replace 5 or 6 of the 7 sewer pump stations that we have this year and many individual items have worn down such as ph probes, flange valves, doors replaced, gate parts, etc.

Account	Description	Increase/Decrease	Debit	Credit
1. 31-3800-0402	Connection Fees	Increase		\$15,500.00
31-3800-0604	Insurance Settlements	Increase		\$4,100.00
31-3800-0910	Fund Balance Appropriated	Increase		\$40,400.00
			Subtotal	\$60,000.00
2. 31-8200-3300	Dept. Supplies	Increase	\$60,000.00	
			Subtotal	\$60,000.00
			Subtotals	\$60,000.00
			Totals	\$60,000.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

FROM: General Fund



DEPARTMENT: Parks & Recreation

EXPLANATION: Recognize and Allocate a donation for the Parks & Recreation playground

Account	Description	Increase/Decrease	Debit	Credit
1. 10-3350-0210	Donation ~ Playground	Increase		\$31,000.00
			Subtotal	\$31,000.00
2. 10-6200-1509	Maintenance & Repair ~ Playground	Increase	\$31,000.00	
			Subtotal	\$31,000.00
			Subtotals	\$31,000.00
			Totals	\$31,000.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO APPROVE THE MID-YEAR BUDGET AMENDMENTS AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

11. Budget Amendment: Allocation of Fire Department Construction Loan Funds

Finance Director Rebecca Shuler advised the Fire Department Construction loan closed on January 8th and to provide the funds to come into our accounts and payments to be made through this budget year into next year's budget there was a Project Ordinance and a Budget Amendment.

**Town of Highlands
 Project Budget Ordinance**



BE IT ORDAINED by the Governing Board of the Town of Highlands, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized includes Construction of the new Highlands Fire & Rescue Department building to be financed by a loan secured with BB&T (Truist) and approved by the LGC of North Carolina.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the contract documents and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Legal/Admin/Eng	\$573,900.00
Construction Contract	\$6,426,100.00
Reimbursement to Electric Reserves	\$1,500,000.00
Project Total:	\$8,500,000.00

Section 4. The following revenues are anticipated to be available to complete this project:

Loan with BB&T	<u>\$8,500,000.00</u>
	\$8,500,000.00

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the contract documents and the budget contained herein.

Section 6. Funds may be advanced from the BB&T loan for the purpose of making payments as due.

Section 7. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

Section 8. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board and to the Finance Officer for direction in carrying out this project.

Adopted this the 21st day of January 2021.

Patrick L. Taylor, Mayor

ATTEST:

Gilberta B. Shaheen, Town Clerk

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO APPROVE THE PROJECT ORDINANCE AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

January 15, 2021

FROM: Capital Projects Fund



DEPARTMENT: Capital Projects Fund

EXPLANATION: Recognize Loan and allocating the funds into the Project Fund

Account	Description	Increase/Decrease	Debit	Credit
1. 11-3900-0908	BB&T Fire Dept. Loan Proceeds	Increase		\$8,500,000.00
11-8440-7100	Contract ~ Fire Dept.	Increase	\$6,426,100.00	
11-8440-7110	Leg/Admin/Eng	Increase	\$573,900.00	
11-8440-7410	Reimburse Elec. Reserve	Increase	\$1,500,000.00	
	Subtotals		\$8,500,000.00	\$8,500,000.00
	Totals		\$8,500,000.00	\$8,500,000.00

Approved by Town Manager _____

Action by Town Board _____

Approved and Entered on Minutes Dated _____

Finance Director _____

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO APPROVE THE BUDGET AMENDMENT FOR THE FIRE DEPARTMENT PROJECT AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

12. Budget Amendment: Chowan Drive Slope Stabilization

Public Works Director and Town Engineer Lamar Nix stated seven years ago repairs had been made to Chowan and on Christmas Eve 2020 a large white pine adjacent to those repairs fell and a rock and few things were disturbed and it is going to require soil nail repair. Nix had gotten prices from three different contractor’s and actually received a lower bid than the original Budget Amendment of \$247,000 in the packet and \$150,000 should cover the repairs.

TOWN OF HIGHLANDS BUDGET AMENDMENT
 AMENDMENT # _____

January 15, 2021



FROM: General Fund

DEPARTMENT: Streets Dept.
 EXPLANATION: Chowan Dr. Slope Stabilization

Account	Description	Increase/Decrease	Debit	Credit
1. 10-3100-0910	Fund Balance Appropriated ~ GF	Increase		\$150,000.00
10-5600-7300	Capital Outlay ~ Other Imp.	Increase	\$150,000.00	
	Subtotals		\$150,000.00	\$150,000.00
	Totals		\$150,000.00	\$150,000.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO APPROVE A BUDGET AMENDMENT IN THE AMOUNT OF \$150,000, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

13. Closed Session: Pursuant to NCGS §143-318.11(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 Fiber Lease Contract Negotiations.

COMMISSIONER STIEHLER MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS §143-318.11(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 FIBER LEASE CONTRACT NEGOTIATIONS AT 8:16PM, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS 3 TO 1 WITH COMMISSIONER HEHN OPPOSING.

ONCE DISCUSSION WAS HELD, MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO GO BACK INTO OPEN SESSION AT 8:50PM, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO DIRECT TOWN ATTORNEY JAY COWARD TO RESPOND TO THE LAWYERS LETTER REGARDING THE BROADBAND RFP, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO MOVE FORWARD WITH THE CONTRACT AS OUTLINED IN THE RFP AND DIRECT ATTORNEY AND STAFF TO PROCEED AS DIRECTED IN ACCORDANCE WITH THE RFP, WHICH

WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS 3 TO 1 WITH COMMISSION HEHN OPPOSING.

14. Adjournment

AS THERE WERE NO FURTHER MATTERS TO COME BEFORE THE BOARD OF COMMISSIONERS, MAYOR PRO TEMPORE PATTERSON MOVED TO ADJOURN WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS 3 TO 1 WITH COMMISSIONER HEHN OPPOSING, THE TOWN BOARD ADJOURNED AT 8:54PM.

Patrick Taylor
Mayor

Gilberta B. Shaheen
Town Clerk