

Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of October 21, 2021, via Zoom

Town Board Present: Commissioner John Dotson, Mayor Pro Tempore Amy Patterson, Commissioner 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 7:00pm.

2. Public Comment Period

There were comments for and against Short-Term Rentals in R-1 Residential Zoning.

3. Adjust and Approve the Agenda

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

4. Approval of the August 19th, 2021, Regular Meeting Minutes

COMMISSIONER STIEHLER MADE A MOTION TO APPROVE THE AUGUST 19TH, 2021, REGULAR MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

Approval of the August 19th, 2021, Reconvened Regular Meeting Minutes

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO APPROVE THE AUGUST 19TH, 2021, RECONVENED MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

Approval of the August 27th, 2021, Special Meeting Minutes

COMMISSIONER STIEHLER MADE A MOTION TO APPROVE THE AUGUST 27TH, 2021, SPECIAL MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

Approval of the September 16th, 2021, Regular Meeting Minutes

COMMISSIONER STIEHLER MADE A MOTION TO APPROVE THE SEPTEMBER 16TH, 2021, SPECIAL MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

5. Reports

A. Mayor

Mayor Taylor reported there was a situation that involved children and he wanted to commend Police Chief Andrea Holland for the positive feedback and being committed to the welfare of the children; he and Town Manager Josh Ward met with attorneys about short term rentals and zoning ordinances, and Mayor Pro Tempore Patterson and Commissioner Stiehler was part of the advisory committee; announced there was a joint meeting with the Town Board of Commissioners and the Planning Board with attorneys providing report and guidance and then a public meeting will be held to address short term rentals; met with NCDOT and Southwest Commissions and North Carolina is struggling financially making a budget and are considering turning over roads to counties and towns and he and Commissioner Ronnie Beale are lobbying against this.

B. Commissioners and Committee Reports

There were no commissioner or committee reports.

C. Town Manager

Town Manager Ward reported that Bryson's Paving paved Spring Street and would be paving Sherwood Forest, Upper and Lower Lake in the next couple of weeks; Fire Department should be dried in by the first week of December and Townhall would be closed November 11, 2021, for Veterans Day.

6. Consent Agenda

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



Consent Agenda Item

Date: October 21, 2021
To: Mayor Pat Taylor and Town Board of Commissioners
Prepared By: Gibby Shaheen, Town Clerk
Subject: ABC Board Appointment

Background:

Recently, three ABC Board Member's terms expired. Members Rick Trevathan, Andrew Chmar and Dave O'Harra wish to be reappointed. Member Ryan Bears is moving out of Highlands Township and must be replaced.

Steve Mehder resigned from the Zoning Board because of not qualifying to serve any longer and would still like to be involved in the community by serving on the ABC Board.

Recommendation:

Mayor Taylor recommends the Board approve the re-appointments of Rick Trevathan, Andrew Chmar and Dave O'Harra and replacement Steve Mehder to the ABC Board.

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

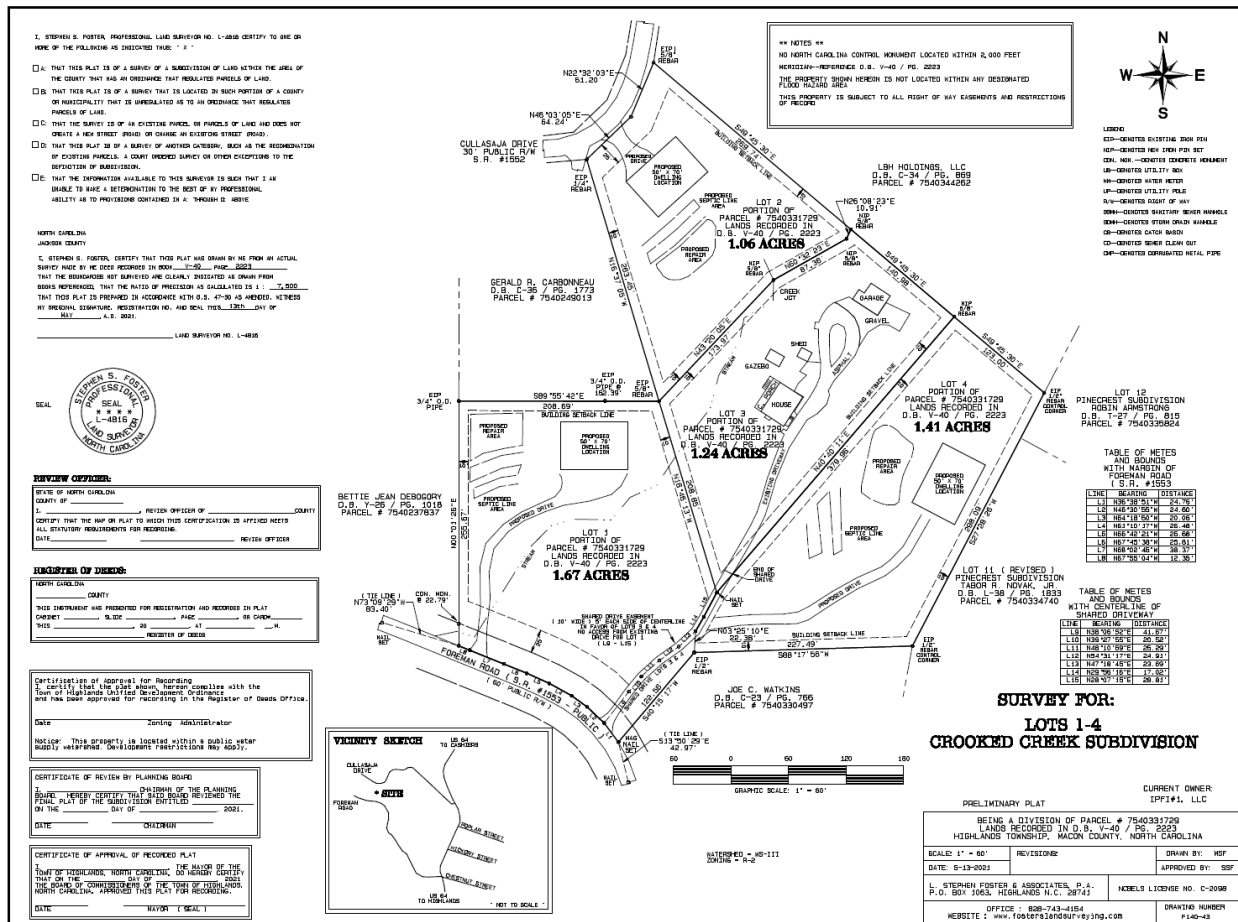
7. Postponement of the Public Hearing for Ellis Annexation

Assistant Planning & Development Director Michael Mathis stated Mr. Ellis is requesting that the public hearing be rescheduled for next month's meeting. The applicant is working on a conservation easement agreement with the Ravenel Homeowner's Association and isn't ready to proceed with the annexation. The recommendation is to hold the public hearing at next month's meeting.

COMMISSIONER CALLOWAY MADE A MOTION TO RESCHEDULE THE PUBLIC HEARING FOR THE ANNEXATION AND ZONING OF THE ELLIS PROPERTY FOR THE NEXT REGULARLY SCHEDULED BOARD MEETING OF NOVEMBER 19TH, 2021, AT 7:00PM, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

8. Crooked Creek Subdivision Preliminary Plat Review

Assistant Planning & Development Director Michael Mathis stated a Subdivision Application was submitted to the Planning Department by IPFI#1, LLC concerning a property subdivision at 415 Foreman Road, PIN #: 7540331729. Currently, the property is 5.38 acres, located in the R-2 zoning district, and in the Balanced Area of the Town's Watershed (WS III – BW). According to the Town's 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 Balanced Area of the Town's Watershed is .50 acres. According to the "Preliminary Plat" prepared by L. Stephen Foster & Associates (Drawing #F140-43), the 5.38-acre parcel will be split into four lots. The first lot is 1.67 acres, the second lot is 1.06 acres, the third lot is 1.24 acres, and the fourth lot is 1.41 acres. Lots one and two will have their own driveways, and lots three and four will share a driveway (As shown on the Plat). All lots will be served by the Town's water and electric. Lot three contains an existing dwelling with an existing septic tank. Macon County issued Improvement Permits for the remaining three lots (As indicated on the Preliminary Plat). The recommendation is to approve the Crooked Creek Preliminary Plat as submitted.



COMMISSIONER STIEHLER MADE A MOTION TO APPROVE CROOKED CREEK SUBDIVISION PRELIMINARY PLAT AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

9. Authorization for Stay of Proceedings – Short Term Rentals

Town Attorney Jay Coward reported he had met with Commissioner Stiehler, Mayor Pro Tempore Patterson and Attorney Craig Justus on two occasions for approximately six hours. The last action of the Board requested that Unified Development Ordinance be re-examined to better define and revised to contain additional language that addresses short term rentals. In the meantime, Attorney Derek Allen filed a lawsuit against the Town of Highlands with 275 paragraphs in complaint to allow short term rentals. Town Attorney Jay Coward and Attorney Craig Justus spoke with Mr. Allen and in good efforts

to divert litigation, because they are actively trying to work it out, they requested a stay of proceedings, which would not require a response to the Complaint until February 1, 2022.

COMMISSIONER HEHN MADE A MOTION TO RESCIND THE ORDER TO ENFORCE THE R-1 ORDINANCES ON JANUARY 3, 2022 AND ENGAGE IN THE STAY WITH LAWYERS UNTIL FEBRUARY 1, 2022, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

10. Fiber Contract Review

MIS/GIS Director Matt Shuler said the Town of Highlands issued an RFP in October of 2020. On October 26, 2020, three proposals were received and of those three proposals, the Town Board chose Hotwire communications to enter into a contract. Since that time, staff along with Town legal counsel J.K. Coward have formed a legal team with Mr. Jim Baller and Mr. Sean Stokes of Keller and Heckman LLP in Washington DC, and Mr. Gabriel DuSablon of Cauley and Pridgen lawyers of NC to develop and negotiate a contract that followed the RFP issued by the town, accomplish the town's goals currently and in the future, follow all applicable laws including NC state laws and was agreeable to Hotwire Communications.

COMMISSIONER DOTSON MADE A MOTION TO APPROVE THE FIBER CONTRACT WITH HOTWIRE COMMUNICATIONS AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

11. Fiber Construction Contract – Liquidated Damages

MIS/GIS Director Matt Shuler said after discussion with Town Attorney Jay Coward, Mr. Coward sent a letter to V1Fiber on behalf of the Town as a notification that liquidated damages would begin on the Fiber deployment project effective 300 days from the date of the Contract. Since that time all construction items have been completed. The final inspection was performed successfully today. Engineers along with Mr. Coward will calculate total liquidated damages as the final closeout package is completed.

12. Big Bear Pen Tower Update

MIS/GIS Director Matt Shuler stated at the August 19th meeting of the Board of Commissioners WHLC's Chuck Cooper raised concerns of Verizon mounting too close to his Radome antenna at the top of the Town's Big Bear Pen tower. WHLC's antenna is mounted at the center of radiation above ground level. Verizon's antenna was found to be mounted in the correct position on the tower per the contract. Shuler had asked Mr. Cooper for documentation and/or reporting that show the level of interference he may be receiving, but has not been received. Shuler also reported conflict with Mr. Cooper and Verizon making upgrades to their antenna. Mr. Cooper was supposed to turn down his signal while Verizon technicians worked on their antenna, but the radiation was too high for them to remain on the tower to complete the work.

The Board directed the Town Attorney Jay Coward to review and develop a draft of a new lease because WHLC's contract had expired, and directed the Mayor, Town Manager and MIS/GIS Director Matt Shuler to meet with Mr. Cooper and Verizon to work out an agreement with Cooper and Verizon so the upgrades can be made and address the issue of WHLC's past due balance.

13. New Full-Time Lifeguard Position/Increase for Part-Time

Parks & Recreation Director Lester Norris stated that the Pool has been struggling like most others in the industry to get and retain lifeguards. The last two years we have had to go out and recruit part time lifeguards, where in the past high school students have come to us looking for part time work as lifeguards. Again, over the last couple of years we have struggled to get and keep guards to maintain our pool schedule. The pool lost four lifeguards since the first of August to other jobs that was reportedly paying \$15 an hour. Just this week we had two more guards leave. This leaves us with Tyler the Pool

Manager who works Monday-Friday 5:30am-1:30pm, and three part time lifeguards: one of which can only work on Saturday, one who can only work on Tuesday and Wednesday evenings and Sundays, and one who usually can only work one day a weekend. As of today, we no longer have adequate staff to open for Public Swim which requires lifeguards. The Recreation Committee met on Monday, September 27th and discussed the following: hiring a full time lifeguard thus giving the pool a staff person with a year around set schedule, providing more adult supervision (rather than teenagers supervising other teenagers), and raising part time lifeguards pay to \$15 an hour in order to attract and retain staff to maintain pool schedule, along with discussing raising Ice Rink staff to \$15 an hour so to attract and retain staff. The Rec Committee recommends that we hire a full-time lifeguard starting at \$15 an hour with benefits and raise part time lifeguards and ice rink staff to \$15 an hour in an effort to attract and retain adequate staff to operate these facilities.

COMMISSIONER STIEHLER MADE A MOTION TO APPROVE THE HIRING OF A NEW FULL-TIME LIFEGUARD AND INCREASE FOR PART-TIME PAY OF \$15.00 AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER CALLOWAY AND THE VOTE WAS UNANIMOUS.

14. Request for Reasonable Accommodation

- **Printing Documents**

The Board agreed to table until next month's meeting.

15. Mask Requirement Update

Discussion was held.

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO RESCIND THE MASK REQUIREMENT BECAUSE THE POSITIVITY RATE HAD FALLEN TO 10%, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

16. Adjournment

AS THERE WERE NO FURTHER MATTERS TO COME BEFORE THE BOARD OF COMMISSIONERS, COMMISSIONER CALLOWAY MOVED TO ADJOURN WHICH WAS SECONDED BY COMMISSIONER DOTSON AND UPON A UNANIMOUS VOTE, THE TOWN BOARD ADJOURNED AT 9:29PM.

Patrick Taylor
Mayor

Gilberta B. Shaheen
Town Clerk