

**Regular Meeting Minutes of the Town Board of Commissioners Meeting of June 20, 2013 at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.**

Town Board Present: Commissioner John Dotson, Commissioner Amy Patterson, Commissioner Gary Drake, Mayor David Wilkes, Mayor Pro Tempore Eric Pierson and Commissioner Brian Stiehler.

Also Present: Town Manager Robert Frye, Town Clerk Rebecca Shuler, Town Attorney Bill Coward, Parks and Recreation Director Lester Norris, MIS/GIS Director Matt Shuler, Public Works Director Lamar Nix, Police Chief Bill Harrell and Interim Planning and Development Director Josh Ward.

**1. Meeting Called to Order**

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

**2. Public Comment Period**

Bob Kieltyka President of the Highlands Chamber of Commerce presented Mayor Wilkes with a donation of \$10,000 to benefit the Town's wayfinding project.

**3. Adjust and Approve Agenda**

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

**4. Approval of Minutes**

**Regular Meeting Minutes of May 23, 2013**

Commissioner Dotson made a motion to approve the regular meeting minutes of May 23, 2013 as presented, which was seconded by Commissioner Stiehler and the vote was unanimous.

**Closed Session Minutes of May 23, 2013**

Commissioner Patterson made a motion to approve the closed session meeting minutes of May 23, 2013 as presented, which was seconded by Commissioner Drake and the vote was unanimous.

**5. Reports**

**A. Mayor**

Mayor Wilkes informed the Board that ten years ago July 7<sup>th</sup> through 13<sup>th</sup> was proclaimed WHLC week for their 10<sup>th</sup> anniversary for providing valuable road conditions during winter storms, school closing, etc. This year marks the station's 20<sup>th</sup> year anniversary and the Mayor is planning on proclaiming July 7<sup>th</sup> through July 13<sup>th</sup>, 2013 as WHLC week once again.

**B. Commissioners & Committees**

Commissioner Stiehler mentioned that the Scholarship Golf Classic Tournament which was held on Thursday, June 13<sup>th</sup> had raised around \$23,000.00. Stiehler also mentioned that the EDC met Tuesday, June 18<sup>th</sup> in Highlands and JT Fields of Mtn. Fresh discussed his business and what he was doing to upgrade. Stiehler told the Board that Commissioner Drake is now the secretary of the EDC Board.

**C. Town Manager**

Manager Frye informed the Board that the July meeting had a conflict with previously scheduled event at the Community Building and that the regularly scheduled Town Board meeting for July 18<sup>th</sup> would be held at the Civic Center.

## **6. Consent Agenda**

Public Works Department  
Police Department  
Parks & Recreation Department  
Planning & Development Department  
Treasurer's Report  
Sand & Stone Bids  
Small Town Main Street Resolution to Continue  
Resolution to Accept Wastewater Collection System Capital Improvement Plan  
Rotary 5K Event

Commissioner Patterson had one question for Interim Planning and Development Director Ward as to the results from the water samples that had been collected early in the month as noted in his report.

Commissioner Stiehler moved to approve the Consent Agenda, which was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.

## **7. Public Hearing: Presentation of the FY2013-14 Budget**

### **A. Open Public Hearing**

Commissioner Drake made a motion to open the public hearing for presentation of the FY2013-2014 Budget at 7:06pm which was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.

### **B. Staff Comments/Recommendation**

Manager Frye told the Board in order to present a balanced budget across all funds, it was necessary to appropriate \$218,230.00 from undesignated General Fund Balance and a further \$218,229.00 from the Electric Reserve Fund for a combined total of \$436,459.00.

These funds were used to offset operational and capital project deficits within the Parks and Recreation Department.

This will leave the following amounts in the respective funds:

\$1,533,968.00 in undesignated general fund balance  
\$2,233,450.00 in in the electric reserve fund

All other funds are self-supporting and require no outside fund transfers to enable them to operate.

## **BUDGET HIGHLIGHTS**

As presented, the overall FY 2013-14 Budget has revenues and expenditures totaling \$13,189,591.00.

The current Town of Highlands Ad Valorem tax rate of .135 per \$100 valuation remains unchanged within FY 21013-14 Budget.

The current Highlands Volunteer Fire Department tax rate of .009 per \$100 valuation remains unchanged within FY 2013-14 Budget.

The current Town of Highlands minimum charge for electrical service remains unchanged at \$19.72 per month for residential customers and \$22.01 (single phase) or \$31.74 (three phase) per month for commercial users.

The current Town of Highlands minimum charge for water and sewer service remains unchanged at \$32.00 per month for residential customers and \$42.00 per month for commercial users.

The current Town of Highlands minimum charge for residential trash pickup remains unchanged at \$18.50 per month for residential customers.

The FY 2013-14 Budget also includes a 2% Cost of Living Adjustment (COLA) for all full time employees.

### **TOTAL EXPENDITURES**

Total Expenditures for all funds is split between the individual funds as follows:

General Fund	\$4,895,227.00
Scholarship Fund	\$37,700.00
Fire and Rescue Special Revenue Fund	\$371,264.00
Cemetery Fund	\$126,200.00
Water Enterprise Fund	\$1,628,989.00
Sewer Enterprise Fund	\$619,411.00
Capital Projects Fund	\$158,140.00
Sanitation Enterprise Fund	\$577,129.00
Electric Enterprise Fund	\$4,775,531.00
Total Expenditures	\$13,189,591.00

### **C. Public Comments**

Slocum Howland would like the Board to reconsider the passing of free utilities to the Highlands Playhouse, Highlands ABC Store and the Highlands Chamber of Commerce as he does not feel it is fair to the entire Town. All citizens and entities should be treated equal.

Allan Marsh asked the Board if there was any money set aside in this budget for residential sidewalks.

### **D. Close Public Hearing**

As there were no further public comments, Commissioner Dotson made a motion to close the public hearing, which was seconded by Commissioner Patterson and upon a unanimous vote the Public Hearing was closed at 7:13 pm.

### **E. Council Action**

Commissioner Dotson wanted to thank the Macon County Commissioners for their donation to help the Town reconstruct its pool.

Commissioner Patterson stated she would like to take Dr. Howland's concern into discussion. Commissioner Patterson agreed with Howland's concern of preferential treatment being given to certain entities. Patterson said she felt the Town was giving grants in the form of utilities and it wasn't fair. The Town should treat everyone across the board the same.

Mayor Pro Tempore Pierson said he agreed to an extent. However the tax dollars from the Highlands ABC Store and the Highlands Chamber of Commerce go back into the community in the form scholarships and tourism development. Pierson feels the Town should get its leases in line and feels it has come a long way over the last few years in this process. Pierson said the ABC Store is struggling to maintain their profits and since the Town moved them out of a Town owned building feels responsible to help them out.

Mr. Howland reiterated the town is giving grants in the form of free utilities. Howland further questioned whether the Town received a utility bill stating that if Town Departments paid utility bills it had nothing to do with Town owned buildings.

Commissioner Dotson said he would like to agree with Commissioner Patterson and Howland. Dotson said he would like to see everyone pay their own way and if they can't make it, well so be it. He stated that some citizens might want to subsidize the ABC Store, but some would not.

Commissioner Drake said he feels this all started three years ago with the equalizing the leases in which the PAC has never paid utilities.

Commissioner Patterson said the Board was discussing the FY2013-2014 budget right now and the \$18,000 in free utilities would only be to the Town's benefit. She felt this topic should be discussed in more detail but that it wasn't essential to passing this budget right now.

Commissioner Drake made a motion to approve the FY2013-2014 budget as presented, which was seconded by Commissioner Stiehler and the vote was unanimous.

### **FY 2013-14 BUDGET MESSAGE**

June 20<sup>th</sup> 2013

The Honorable Mayor David Wilkes and Town Commissioners  
Town of Highlands, North Carolina

Dear Mayor Wilkes:

I am pleased to present the FY2013-14 Budget for your review and consideration.

As required by the General Statutes of North Carolina, the revenues and expenditures presented within this budget are balanced.

In order to present a balanced budget across all funds, it was necessary to appropriate \$218,230.00 from undesignated General Fund Balance and a further \$218,229.00 from the Electric Reserve Fund for a combined total of \$436,459.00.

These funds were used to offset operational and capital project deficits within the Parks and Recreation Department.

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Electric Enterprise Fund	\$4,775,531.00
Total Expenditures	\$13,189,591.00

**GENERAL FUND**

Total expenditures for the FY 2012-13 General Fund Budget is \$4,895,227.00. These funds are split between the individual departments/funds as follows:

Governing Body	\$30,098.00
Administration	\$892,713.00
Planning/Zoning	\$195,376.00
MIS/GIS	\$310,619.00
Police Department	\$1,157,755.00
Street Department	\$972,237.00
Public Buildings	\$62,826.00
Parks and Recreation	\$1,273,603.00
Total Expenditures	\$4,895,227.00

**ENTERPRISE FUNDS**

The Town of Highlands operates the following operates the following Enterprise Funds:

- Water
- Sewer
- Sanitation
- Electric

**WATER FUND**

Total expenditures for the FY 2013-14 Water Utility Enterprise Fund is \$1,628,989.00.

It is proposed to maintain water usage rate charges at the current FY 2012-13 levels. A detailed listing of all water utility charges can be found in the accompanying Town of Highlands FY 2013-14 Fee Schedule.

One major capital improvement/construction project is included within the Water Fund Budget for FY 2013-14; the replacement of the Big Bear Pen waterline.

It is proposed to transfer \$223,989.00 from the Water Fund Reserve to cover the cost associated with the replacement of the Big Bear Pen waterline and to cover a portion of the costs associated with the replacement of a water department service vehicle.

**SEWER FUND**

Total expenditures for the FY 2013-14 Sewer Utility Enterprise Fund is \$619,411.00.

Two major capital projects are included within the Sewer Fund Budget for FY 2013-14; the refurbishment of one of three waste holding tanks at the waste water treatment plant; and the refurbishment of the Arnold Road sewer pump station.

It is proposed to transfer \$16,411.00 from the Sewer Fund Reserve to cover a portion of the cost to upgrade/refurbish the Arnold Road sewer pump station.

A detailed listing of all water utility charges can be found in the accompanying Town of Highlands FY 2013-14 Fee Schedule.

**ELECTRIC FUND**

Total expenditures for the FY 2013-14 Electric Enterprise Fund is 4,775,531.00.

It is proposed to transfer \$218,229.00 from the electric fund reserves into the Parks and Recreation Department to cover half of the cost of constructing a new swimming pool.

Please refer to the Town of Highlands FY 2013-14 Fee Schedule for a detailed listing of all Town electrical charges.

**SANITATION FUND:**

Total expenditures for the FY 2013-14 Sanitation Enterprise Fund is \$577,129.00.00.

**SPECIAL REVENUE FUNDS**

The FY 2013-14 Budget includes the following Special Revenue Funds:

Fire Department  
Capital Projects

**FIRE DEPARTMENT FUND**

The Highlands Volunteer Fire Department provides service to Town of Highlands and a portion of unincorporated areas of Macon and Jackson Counties.

As 100% of the revenue for the Fire Department is generated through the Fire District Ad Valorem property tax and not the Town of Highlands General Fund; a Special Revenue Fund was established proved accountability.

The current Highlands Volunteer Fire Department tax rate of .009 per \$100 valuation remains unchanged within FY 21013-14 Budget.

**CAPITAL PROJECTS FUND**

Total expenditures for the FY 2013-14 Capital Projects Fund is \$158,140.00 and includes the following fund transfers:

General Fund	\$15,698.00
Sewer Fund	\$99,704.00
Electric Fund	\$42,738.00

These funds are allocated to various projects to pay for debt service on the Kelsey-Hutchison storm water project (\$15,698.00), debt service on the town's new radio read

water meters (\$85,475.00), and debt service on the Mirror lake Sewer project (\$56,967.00).

### **LONG TERM OUTLOOK**

At the current time, the financial outlook for the Town of Highlands remains upbeat.

The Town's undesignated General Fund Balance remains strong and the Electric Fund; thanks to the series of significant rate increases enacted over the last 2 years; is now stable and has begun to slowly replenish itself.

In terms of long term debt, the Town is fortunate that it has had access to its reserve funds as its current level of debt is extremely low.

Given the extent to which the Town depends upon its reserve funds to finance its capital improvement projects, it remains critical for the Town to assess the impact that current and projected capital projects will have on future budgets so as not to place additional undue strain on the Town's fiscal reserves.

It is also important for the Town to assess the needs; both in terms of yearly cost of program operation; and of long term capital project needs; within the Parks and Recreation Department in order to address the increasing widening deficits that are resulting within the department.

These continuing deficits are the biggest challenge currently facing the Town and their underlining causes; the inability of the Parks and Recreation Department to generate sufficient program revenue to carry the cost of yearly operations must be addressed in some manner if the Town is to be able to continue to operate a viable Parks and Recreation Department.

### **CLOSING COMMENTS**

I would like to commend Mayor David Wilkes and the Town Board for their guidance in working with staff as the budget evolved from its first drafts to its final form. Clear concise directives from our elected officials made developing the budget much easier.

I would also like to commend town staff for the diligent work they put into the budget and the diligence with which they worked to hold the line on expenses.

In closing, I would like to say that I look forward to implementing this budget and in so doing I hope that we achieve our goal of providing quality public services to our community.

Sincerely,

### **TOWN OF HIGHLANDS**

Robert A. Frye Jr.  
Town Manager

**TOWN OF HIGHLANDS  
BUDGET ORDINANCE  
FISCAL YEAR 2014  
JULY 1, 2013 THRU JUNE 30, 2014**

**BE IT ORDAINED** by the Board of Commissioners of the Town of Highlands, North Carolina, assembled this 20<sup>th</sup> day of June 2013, that the following fund revenues and department and/or fund expenditures be adopted:

**SECTION I. TOTAL REVENUES**

General Fund	\$ 4,895,227.00
Scholarship Fund	\$37,700.00
Fire & Rescue Special Revenue Fund	\$371,264.00
Cemetery Fund	\$126,200.00
Water Enterprise Fund	\$1,628,989.00
Sewer Enterprise Fund	\$619,411.00
Capital Projects Fund	\$158,140.00
Sanitation Enterprise Fund	\$577,129.00
Electric Enterprise Fund	<u>\$ 4,775,531.00</u>
Total Revenues	\$13,189,591.00

**SECTION II. TOTAL EXPENDITURES**

General Fund	\$ 4,895,227.00
Scholarship Fund	\$37,700.00
Fire & Rescue Special Revenue Fund	\$371,264.00
Cemetery Fund	\$126,200.00
Water Enterprise Fund	\$1,628,989.00
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Sanitation Enterprise Fund	\$577,129.00
Electric Enterprise Fund	<u>\$ 4,775,531.00</u>
Total Revenues	\$13,189,591.00

**SECTION III. TAX RATES ESTABLISHED**

An Ad Valorem tax rate \$.135 per \$100 valuation is hereby established for the General Fund purposes for the Town of Highlands for FY13. This rate is based on an approximate valuation of \$1,881,281,265.00 and an estimated collection rate of 98.3%.

An Ad Valorem tax rate of \$.009 per \$100 valuation is hereby established for Fire & Rescue for the Town of Highlands for FY13.

**SECTION IV. BUDGET ORDINANCE**

This ordinance shall be the basis of the financial plan for the Town of Highlands during the fiscal year 2014. The approved annual budget for all funds, which shows line item detail, will be used for tracking revenue and expenditures.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Robert A. Frye, Jr., Town Manager

\_\_\_\_\_  
David Wilkes, Mayor

## **8. Financial Matters: FY 2012-13 Year End Budget Amendment**

Budget amendments for FY2012-2013 needed are as follows:

\$40,000.00 Lake Sequoyah Raw Water Intake (prior year engineering and design costs)  
\$83,000.00 Water Plant Filter Rehab. Project (\$15,000.00 change orders \$68,000.00  
prior year engineering design cost)  
\$5,000.00 MIS/GIS (miscellaneous equipment expenses)  
\$5,000.00 Public Buildings (maintenance and repair Playhouse)

\$133,000.00 Total

It is important to note that out of the \$133,000.00 total amount of amendments, \$83,000.00 are funds that are being transferred between various departments and \$53,000.00 that can be considered “new money” that is being appropriated from fund balance.

Commissioner Drake made a motion to approve the FY2012-2013 Year End Budget Amendments, which was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.

Mayor Wilkes wanted to thank Commissioners Stiehler and Dotson for being on the Finance Committee. He felt it was about the smoothest budget process since he had been elected.

## **9. Planning Matters:**

### **A. Report and Recommendation: Off-premises Directional Signs**

After last month’s discussion concerning off premise commercial signage and the OEI Farm directional sign on Arnold Road in particular. Staff has reviewed the current sign ordinance and researched to see if it could be modified to include the OEI Arnold Road sign.

Having done so, it is staff’s opinion that the only way to allow this sign to continue to remain in place would be to allow all commercial entities in town to utilize off premise directional signage. Staff does not believe that this is the direction the Board wishes the Town to move in and would recommend that to the current prohibition on off premise commercial signage remain in force.

In regards to the safety issues mentioned on Arnold Road, a larger street sign has been install by NCDOT at the town’s request. Staff would suggest that for OEI events held at the Arnold Road location, a Town off-duty police officer be hired to direct traffic in and out of the event.

Manager Frye asked the Board to direct Staff as whether to enforce the UDO. Frye also told the Board if the Town wanted a safety light or turn lane at that intersection NCDOT advised it would be for the Town to fund.

The Board advised Staff to enforce the UDO and have directional signs taken down.

### **B. Request for Public Hearing to Amend Section 13.1.4, 15.3.1 and 15.4.1 of the UDO**

Interim Planning and Development Director Ward presented the following amendments to the UDO and asked that a public hearing be set for the next regular Board meeting of July 18, 2013 at 7pm.

## **Amendments to the Town of Highlands Unified Development Ordinance**

### **Addition to Section 13.1.4 (A): Exempt Signs**

- A. All classes of government signs including but not limited to traffic, health and public safety; crime control and prevention; official notices or advertisements related to any court action; the location of underground utilities; historical markers or monuments; any other community service signs approved by the Town of Highlands, as well as, any signage provided by the Town of Highlands, including but not limited to, wayfinding signage, corridor entrance signage, and town sponsored event signage.

### **Addition to Section 15.3.1**

- I.) “Nothing in Section 15.3.1 shall be construed to prevent the issuance of a Notice of Violation that immediately imposes a penalty for a violation of Article 13, Sign Standards.”

### **Addition to Section 15.4.1**

- Last sentence, stating, “ Notwithstanding any other provision herein, for violations of Article 13, Sign Standards, the issuance of a Notice of Violation that imposes an immediate penalty shall require payment as stated in the Notice of Violation without issuance of a citation or any further action by the Planning and Development Director or the Board of Commissioners. Service of such Notice of Violation shall be accomplished by giving the owner of the property (or any other person apparently in charge of the premises) a copy thereof.”

Commissioner Patterson made a motion to set the public hearing on the amendments to the UDO for July 18, 2013 at 7pm, which was seconded by Commissioner Drake and the vote was unanimous.

### **C. Request for Amendment to Fee Schedule: Civil Penalties Section**

The current Civil Penalty Schedule is based upon the number of citations issued for each violation. The violations are levied a penalty, which doubles each time another citation is issued. In order to have a more clear, straight forward civil penalty schedule for zoning violations, staff is proposing the attached amendment to the Fee Schedule, which removes the need for multiple citations to be issued for the same violation. Currently, the Town of Highlands Unified Development Ordinance, Section 15.2.2, Continuing Offenses, states “Each and every day that a violation of any provision of this Ordinance continues shall constitute a separate and distinct violation.” Therefore, once a citation is issued, each day would be another monetary fine until the violation(s) are remedied.

### **Amendment to the Town of Highlands Fee Schedule Civil Penalties Schedule**

#### **Remove current Civil Penalties Schedule:**

Civil Penalties Schedule July 1, 2012

First Citation:	\$50.00
Second Citation For The Same Offense:	\$100.00

Third Citation

For The Same Offense: \$200.00

Fourth And Subsequent Citations For The Same Offense: \$400.00

Penalties paid within ten (10) business days shall be reduced by twenty-five percent (25%).

**Replace with:**

- Civil Penalties Schedule June 20, 2013

Zoning Violations: \$100.00 per day, per violation, until the violation(s) are remedied, per Section 15.2.2, Continuing Offenses, Unified Development Ordinance.

Town Attorney Bill Coward suggested to Ward that he should as good practice give a notice of violation daily as a reminder.

Commissioner Drake made a motion to approve the change to the fee schedule for civil penalties, which was seconded by Commissioner Dotson and the vote was unanimous.

**D. Proposed Plan of Action for Next 6 months**

Interim Planning and Development Director Josh Ward presented the Board with the following plan of action for the next 6 months.

**ACTION ITEM LIST**

**SIGNS**

1. Sandwich Boards & other Portable Signs
2. Window Signs (Inside)
3. Real Estate & Lease Signs
4. Directional Signs
5. Lighted Menu Display
6. String Lights

**OUTDOOR DISPLAY**

1. Items within ROW

**RESTAURANTS**

1. Seating Counts

**CIVIL PENALTIES AMENDMENT**

1. Zoning Violations: \$100.00 Per Day, Per Violation

**10. Miscellaneous Matters: Renewal of Macon Bank-Pine Street Park Lease**

The Macon Bank-Pine Street Park lease expired in 2010 and remains in effect due to an automatic renewal clause. When approached by Macon Bank about paying the taxes this year, staff began questioning the use of this property and whether or not the money currently spent by the Town on this property is a good value for the Town.

Per the current agreement, the Town is responsible for maintaining the landscaping/mowing of the property (approximately \$1,500.00 per year) and to pay the portion of the taxes on the property (\$1,100.00 per year.)

The Town Manager and the Parks and Recreation Director both of who were not here when the original agreement was reached have discussed this matter and brought it to the attention of the Parks and Recreation Committee. At this time, Staff can't find a compelling reason to continue this lease and would request direction from the Board as to how they wish to proceed on this matter.

When park was constructed Macon Bank was a substantial donor to the park and when the bank was constructed the gazebo and amphitheater area was to be congruent to the bank.

Commissioner Patterson said the area was constructed to enhance the park and when the Town has an event it is nice. Patterson feels it would be beneficial to renew.

After brief, discussion about the cost and the recent benefits during the Pine Street Concerts it was determined by unanimous consensus to allow the lease to remain in effect.

## **15. Adjournment**

As there were no further matters to come before the Board of Commissioners, Commissioner Drake moved to adjourn, which was seconded by Commissioner Dotson and upon unanimous vote, the Town Board adjourned at 8:10pm.

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David Wilkes  
Mayor

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Rebecca R. Shuler, CMC, NCCMC  
Town Clerk