

Regular Meeting Minutes of the Town Board of Commissioners Meeting of July 17, 2014 at the Highlands Civic Center, 600 North 4th St., Highlands, North Carolina.

Town Board Present: Commissioner John Dotson, Commissioner Amy Patterson, Mayor Pro Tempore Donnie Calloway, Mayor Patrick Taylor, Commissioner Eric Pierson, and Commissioner Brian Stiehler.

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

1. Meeting Called to Order

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

2. Public Comment Period

Maxine Davidoff thanked the Board for support of the Farmer's Market.

Steve Day addressed the Board in reference to fracking.

Heather Prine introduced herself and her husband stating they were new to area and wanted to learn how the local government worked. They moved from Los Angeles and hoped the Board would protect Highlands' majestic and special feel.

3. Adjust and Approve Agenda

Manager Frye asked the Board to add a new item 11. Scholarship Policy Amendment to the agenda. Commissioner Stiehler made a motion to amend the agenda with the before mentioned addition, which was seconded by Mayor Pro Tempore Calloway and the vote was unanimous.

4. Approval of the June 19th Regular Meeting Minutes

Commissioner Patterson made a motion to approve the regular meeting minutes of June 19, 2014 as presented, which was seconded by Commissioner Stiehler and the vote was unanimous.

5. Reports

A. Mayor

Mayor Taylor addressed the fracking issue and stated he would like to draft a letter to the North Carolina Energy Commission on behalf of the Town.

Taylor then appointed Commissioner Dotson, Commissioner Stiehler, Town Clerk Shuler, and Chamber of Commerce President Bob Kieltyka to the Christmas Decoration Committee.

B. Commissioners and Committee Reports

Commissioner Pierson wanted to give an update of projects that were going to be getting underway: NC28 water line, Chowan, and the retaining wall at US64 and 3rd Street.

C. Town Manager

Manager Frye reminded the Board of the joint meeting in Franklin next Thursday.

Frye informed the Board that Mike Waresak would be at the August meeting to go over the Intake project and schedule and that work on Chowan would be starting next month.

6. Consent agenda

Public Works Department
Police Department
Parks & Recreation Department
Planning & Development Department
Treasurer's Report
Disposal of Surplus Vehicles/Equipment

Commissioner Patterson made a motion to approved the consent agenda, which was seconded by Commissioner Stiehler and the vote was unanimous.

7. ABC Board Matters

A. Contract for Law Enforcement

B. Request to Amend ABC Disbursements

Brenda Pierson Chairman of the Highlands ABC Board presented the Board with a law enforcement agreement that came from the State ABC Board for the Town to look at renewing that hadn't been renewed since 1992. Pierson also presented the Board with a proposal to cap ABC disbursements at \$75,000.00. All extra proceeds would go to the purchase or lease of new property. In June 2015 the ABC Store's rent will double with the sale of Highlands Plaza.

Commissioner Patterson asked for Pierson to talk her through the \$75,000.00 cap. ABC Board member Harry Bears stated it was the same number Franklin used as a cap.

Commissioner Patterson then wanted to know why there wasn't an ending date on the cap.

After a brief discussion on the possibility of renegotiating the lease with the sale of the property, Bears said the whole idea is for the ABC Store to purchase a building so everyone would profit more down the road. With rent escalating, there will eventually be no profits.

Discussion then changed to the law enforcement agreement between the ABC Store and the Town's Police Department. It was discussed that inspections would be starting to mandate that alcohol is being purchased in the county in which it is being used for business. Permits will also be checked to verify that they are current. There was discussion of the State coming in to do the inspections, however the Town would lose a portion of its law enforcement disbursement.

Mayor Taylor questioned Police Chief Harrell as to how many officers had been trained. Harrell stated 6 had been, however, Andrea Holland would be the main officer conducting the inspections.

Commissioner Stiehler made a motion to approve the Contract for Law Enforcement, which was seconded by Mayor Pro Tempore Calloway and the vote was unanimous.

Commissioner Pierson stated he felt when it came to the disbursement cap he was in favor, but he questioned if the ABC Board shouldn't put more of a percent toward the Scholarship Fund since the Town Board just upped property taxes for recreation.

After a brief discussion on this topic, Commissioner Pierson made a motion to approve the cap of \$75,000.00 with the following percentages for distribution:

Gross Profits:
5% Law Enforcement Minimum (Mandatory)
7% Alcohol Education & Rehabilitation (Mandatory)
Net Profits:
8% Highlands Recreation
7% Highlands-Cashiers Hospital
7% Highlands Scholarship Fund
Remainder to the Town of Highlands General Fund ~ Remainder to Town of Highlands General Fund to cap at \$75,000.00

Commissioner Stiehler seconded the motion and the vote was unanimous.

8. Financial Matters: Bids Approvals Vehicle/Equipment

Public Works Director Lamar Nix presented the following bids to the Board for approval:

- A. Street Dept. ~ The current budget has \$100,000.00 for the purchase of a new dump truck to replace an existing one. A quote was received for the truck in the amount of \$77,324.20. This does not include the snowplow and salt spreader which will be purchased and mounted after receipt of the truck.
- B. Street Dept. ~ The current budget has \$20,000.00 for the purchase of a small tractor to push snow from the sidewalk and for mowing. A quote was received for \$17,362.00
- C. Sanitation Dept. ~ The current budget has \$93,000.00 for the purchase of a 10yd. 4X4 collection truck. A quote was received for \$89,928.00

Commissioner Stiehler made a motion to approve the bids as received, which was seconded by Commissioner Patterson and the vote was unanimous.

9. Parks and Recreation Matters: Pool Covering Preliminary Design

Jeff Weller presented the Board with the preliminary pool covering designs.

Mayor Taylor questioned if the glass was insulated. Weller stated it was. Commissioner Dotson questioned if it would withstand a falling white pine in the distance. Weller said he couldn't guarantee that it would. Commissioner Dotson questioned if the covering was motorized and Weller assured him it was.

After several more questions as to the thickness of the glass, how it would withstand hail and how it would be cleaned, Manager Frye stated he would like a consensus from the Board to move forward. The Board agreed.

10. Planning Matters: Amendment to Town Tree Ordinance

In the spring, after several violations of the tree removal requirements occurred, staff and the Land Use Committee decided the requirements should be reviewed and potentially amended to stiffen the penalty for violators of the requirements, while allowing some flexibility for staff to review and issue permits for tree removal.

The Planning Board reviewed and discussed the requirements for several months and agreed with the addition of a stricter penalty for violators and staff flexibility when issuing permits. The Board also felt that a tree replacement requirement including a maintenance plan should be included. The Board also felt tree protection should be provided to prevent damage to adjacent trees.

Mayor Pro Tempore Calloway wanted to reinforce this ordinance was for commercial properties only and not residential.

Commissioner Patterson requested that Planning and Development Director Ward delete the 1. under 4.12.2 B. If there isn't a 2., you don't need a 1. Patterson also wanted DBH under 11.2.2 defined.

Commissioner Stiehler asked if there were other reasons for taking down a tree beside its health and was informed there wasn't.

Commissioner Patterson made a motion to set a public hearing for the amendment to the Town Tree Ordinance for the August 21, 2014 at 7:00pm with the before mentioned changes, which was seconded by Commissioner Dotson and the vote was unanimous.

11. Miscellaneous Matters: Scholarship Policy Amendment

Town Attorney Jay Coward addressed the Board reminding them that in May the scholarship recipients were announced and that in the past students not attending school have had scholarships withdrawn and had to reapply at the time of the enrollment for the current year. Upon research, Coward found no written policy and no guidance from legislature on this topic. The Scholarship Committee has made a recommendation that students not enrolled in college do not receive a scholarship and reapply when they do enroll.

Commissioner Calloway questioned if the student in question wasn't travelling. Keven Gabbard, father of the student, asked to speak and informed the Board his daughter had been awarded a GAP year from the University of Chapel Hill accompanied by a scholarship to participate in the program.

Commissioner Dotson asked what the students penalty was if she didn't enroll in the Fall of 2015, but Gabbard didn't know an amount.

Mayor Taylor said it wasn't a clear situation and questioned if the student was still affiliated with the school. Coward stated that was why the Committee had brought the matter to the Board because it wasn't totally clear.

After more brief discussions as to how to handle the matter, Manager Frye said he didn't have a dog in the fight but he wasn't sure about auditing issues with reserving money allotted in one fiscal year to be expended in another fiscal year.

Mayor Pro Tempore Calloway said he didn't understand why the Town wouldn't just award her the Valedictorian award for the next year. The Board decided it needed more time to explore this matter.

12. Closed Session: Personnel Matter pursuant to NCGS §143-318.11(a)(6)

Commissioner Pierson made a motion to go into Closed Session at 8:21pm, which was seconded by Commissioner Stiehler and the vote was unanimous. The Board met in closed session pursuant to NCGS §143-318.11(a)(6) to discuss a personnel matter. Commissioner Pierson moved the Board back into open session at 8:47pm, which was seconded by Mayor Pro Tempore Calloway and the vote was unanimous. Town Manager Evaluation was conducted.

13. Adjournment

As there were no further matters to come before the Board of Commissioners, Mayor Pro Tempore Calloway moved to adjourn, which was seconded by Commissioner Dotson and upon unanimous vote, the Town Board adjourned at 8:48pm.

Patrick Taylor
Mayor

Rebecca R. Shuler, CMC, NCCMC
Town Clerk