

Regular Meeting Minutes of the Town Board of Commissioners Meeting of Thursday, November 20, 2014 at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.

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

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

1. Meeting Called to Order

Mayor Taylor called the meeting to order at 6:58pm.

2. Public Comment Period

Bill and June Hogue expressed concern over the hydroelectric power project that has been proposed.

Hank Ross expressed his concern over the hydroelectric power project as well.

3. Adjust and Approve Agenda

Manager Frye asked that a closed session be added as Item 9 and the adjournment be moved to Item 10. Commissioner Pierson made a motion to approve the agenda with the addition of a closed session, which was seconded by Commissioner Stiehler and the vote was unanimous.

4. Approval of the October 16, 2014 Regular Meeting Minutes

Commissioner Patterson made a motion to approve the regular meeting minutes of October 16, 2014 as presented, which was seconded by Commissioner Pierson and the vote was unanimous.

Approval of the October 16, 2014 Closed Session Minutes

Commissioner Patterson made a motion to approve the closed session minutes of October 16, 2014 as presented, which was seconded by Mayor Pro Tempore Calloway and the vote was unanimous.

5. Reports

A. Mayor

Mayor Taylor expressed his concern over the proposed hydroelectric power project and presented the following information:

*In December, 1925 Highlands' residents approved **the issue of bonds** to build sewage and electric facilities. The report refers to the Hydroelectric Power plant that supplied power to the town until 1969. The report also identifies the Highlands Hydroelectric Dam and the Highlands Hydroelectric Power Plant as **significant structures for historic preservation**. Department of Interior National Park Service Report CMB No. 1024-0018 Issued: 2012*

McGill Engineering studied the feasibility of reopen in hydroelectric power plant in 2013. Estimated cost was 4 to 4.5 million dollars.

California Hydropower has applied to the Federal Energy Regulatory Commission to take over the Highlands expired FERC License and resume power operations using the old hydroelectric power plant. Under their proposal they would generate 775 KW at peaks, and make over \$200,000 a year by selling back to power and green energy credits to Duke. *The town would receive no money.*

As Mayor I am asking the board to endorse me responding immediately to FERC on the following grounds.

1. We have recently explored resuming operations of the power plant, as late as 2013.
2. The legal notification by California Power did not appear in any Highlands newspapers, but instead in a newspaper located 20 mile away in another town, Franklin.
3. In the initial application, the mayor was listed as the representative of Highlands, a principal stakeholder. He was never contacted.
4. The town has concerns with any project that will impact the Cullasaja River and change the natural environment and compromise a locally historic site.
5. As a major stakeholder in this process, the Town of Highlands expects to be informed and included in all aspects of this application process.

After some discussion in reference to the project, the Board unanimously agreed for the Mayor to proceed with the response on behalf of the Town.

Taylor then stated he had received lots of great feedback in regards to the wonderful Christmas decorations the Christmas committee had selected.

B. Commissioners and Committee Reports

There were no Commissioner or Committee reports.

C. Town Manager

There was no Manager's report.

6. Consent Agenda

Public Works Department
Police Department
Parks & Recreation Department
Planning & Development Department
Treasurer's Report
Surplus Property
Employee Christmas Bonus
2015 Meeting/Holiday Schedule
2015 Billing Calendar

Surplus Property

2008 Chevrolet Impala
51 Snowflake Christmas Lights

Employee Christmas Bonus

Less than one (1) year of service (ser.)	\$200
Btwn one (1) and ten (10) years of ser.	\$250
Btwn ten (10) and twenty (20) years of ser.	\$300

More than twenty (20) years of ser.	\$350
Part-time employees	Hams

2015 Meeting/Holiday Schedule

Meeting Schedule

<u>Month</u>	<u>Date</u>
January	15 th
February	19 th
March	19 th
April	16 th
May	28 th
June	18 th
July	16 th
August	20 th
September	17 th
October	15 th
November	19 th
December	10 th

Holiday Schedule

<u>Holiday</u>	<u>Observance Date</u>	<u>Day of the Week</u>
New Year’s Day	January 1, 2015	Thursday
Martin Luther King Day	January 19, 2015	Monday
Good Friday	April 3, 2015	Friday
Memorial Day	May 25, 2015	Monday
Independence Day	July 3, 2015	Friday
Labor Day	September 7, 2015	Monday
Veteran’s Day	November 11, 2015	Wednesday
Thanksgiving	November 26 & 27, 2015	Thursday & Friday
Christmas	December 24 & 25, 2015	Thursday & Friday

Commissioner Stiehler made a motion to approve the consent agenda, which was seconded by Mayor Pro Tempore Calloway and the vote was unanimous.

7. Financial Matters

A. Bid Award Ball Field Project

Bids for this Project were opened on October 30th 2014. One bid was received. As this project had been rebid due to lack of bids being received earlier in the month, the bid from Warth Construction was accepted and opened.

The Bid from Warth Construction was **\$386,689.00**.

After negotiating with Warth, it was determined that \$12,745.00 could be trimmed from the bid lowering the total bid cost to **\$373,944.00**

During a discussion with Richard Delaney of OEI concerning the difficulties in obtaining bids for the pool project, this project was discussed which resulted in Mr. Art Williams offering to provide \$100,000.00 towards this project.

Factoring in Mr. Williams kind offer, the project cost is as follows:

Negotiated Bid Price \$373,944.00

Williams Donation \$100,000.00

Total Town Outlay \$273,944.00

As you may recall, no funds were budgeted for this project and enclosed with this memo is a budget amendment to appropriate the funds from undesignated general fund balance for this project.

If the board decides to proceed with this project it is anticipated that it will be completed by early April 2015.

After brief discussion, Commissioner Stiehler made a motion to accept Mr. Williams generous donation of \$100,000.00 for this project, appropriate fund balance for \$273,944.00 and award the bid to Warth Construction. The motion was seconded by Mayor Pro Tempore Calloway.

Commissioner Pierson wanted to remind the Board these recreation projects were the reason the tax rate was raised with the 2014/15 budget cycle.

The vote was unanimous.

B. Bid Award Pool Project

This project was bid twice and on both occasions no bids were received. Given this situation, Richard Delaney of OEI was notified so that he could inform Art Williams about the possibility of this project not moving forward at this time.

Through those discussions, it was suggested that Manager Frye contact Lupoli Construction to see if they would be interested in bidding this project. Given that the project was already bid twice and no bids received, the town is now able to enter into this form of negotiation.

As of Thursday November 13th, Lupoli Construction has been provided with a full set of plans and a bid package. The town has been informed that Lupoli does intend to submit a bid for the construction of this project.

With this information in mind, Commissioner Pierson made a motion to table this matter until the next regularly scheduled board meeting, which was seconded by Commissioner Stiehler and the vote was unanimous. The pool project will be presented at the next Board meeting for further discussion.

C. Budget Amendments

This item was handled under Item 7A.

8. Miscellaneous Matters: Chowan Drive One Way Discussion

Commissioner Stiehler passed out a map showing all routes to town for citizens living on Chowan Drive. Stiehler informed the Board that the area of Chowan Drive that was repaired was a total of approximately 300 feet long and closing it to two way traffic is forcing home owners to travel 1/2 a mile on even worse roads with an increased chance of accidents.

Mayor Pro Tempore Calloway stated that the he was on the Public Safety Committee and that from a safety standpoint Chowan Drive should remain a one way drive.

Cheryl Miller a Chowan Drive resident addressed the Board and commented that as a property owner you did have to do a lot of giving and taking in the area by sitting and waiting for another car to pass or backing up. However, in the 22 years she has been here there has only maybe been three occasions she has had to pull over. Miller stated the road was originally built as a two way road and there hadn't been any issues.

Commissioner Pierson said it would be a liability to the Town since it was just narrowed.

Commissioner Stiehler questioned Zermatt Circle.

Commissioner Dotson said being in the real estate business for 20 years he had traveled the roads often and felt there could be road signs erected that simply say to proceed with caution or a 5 to 10 mph speed limit. He did not feel the town should cut off property owners egress and ingress.

Commissioner Patterson said she didn't feel the town should take things out of context and say we are going to make it one way if we don't look at the big picture and we are concentrating more traffic on even more dangerous roads.

Mayor Pro Tempore Calloway said that before the road was repaired there was a consensus to leave it one way and maybe we should formalize it.

Commissioner Patterson stated that is property owners wanted to use it as one way they still had the option of doing so.

Commissioner Dotson made a motion to open Chowan Drive back up to two way traffic with some sort of sign stating to proceed with caution, the motion was seconded by Commissioner Patterson and the vote was 3 to 2. Mayor Pro Tempore Calloway and Commissioner Pierson voted nay.

9. Closed Session: Attorney Client Privilege pursuant to NCGS §143-318.11(a)(3)

Commissioner Pierson made a motion to go into Closed Session at 7:56pm, which was seconded by Commissioner Stiehler and the vote was unanimous. The Board met in closed session pursuant to NCGS §143-318.11(a)(3) to discuss a legal matters under attorney client privilege. Commissioner Dotson moved the Board back into open session at 8:40pm, which was seconded by Commissioner Stiehler and the vote was unanimous.

Commissioner Dotson made a motion to file a grievance with the North Carolina State Bar against Scott Neumann, which was seconded by Commissioner Stiehler and the vote was unanimous.

10. Adjournment

As there were no further matters to come before the Board of Commissioners, Commissioner Dotson moved to adjourn, which was seconded by Mayor Pro Tempore Calloway and upon unanimous vote, the Town Board adjourned at 8:40pm.

Patrick Taylor
Mayor

Rebecca R. Shuler, CMC, NCCMC
Town Clerk