

Regular Meeting Minutes of the Town Board of Commissioners Meeting of February 16, 2017 at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.

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

Also Present: Town Manager Josh Ward, Town Attorney Jay Coward, Parks & Recreation Director Lester Norris, IT Director Matt Shuler, Lieutenant Mike Jolly and Town Clerk/Finance Director Rebecca Shuler.

1. Meeting Called to Order

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

2. Public Comment Period

Thomas Craig addressed the board in reference to postal delivery downtown Highlands.

3. Adjust and Approve the Agenda

Manager Ward asked the board to remove Item 10. Highlands Food & Wine Event Proposal and to add the Water Treatment Plant bleach bid approval after the Verizon Wireless Lease as Item 12.

Commissioner Stiehler made a motion to approve the agenda as amended with the before mentioned deletion and addition, which was seconded by Commissioner Calloway and the vote was unanimous.

4. Approval of the January 19, 2017 Regular Meeting Minutes

Commissioner Patterson made a motion to approve the January 19, 2017 regular meeting minutes as presented, which was seconded by Commissioner Pierson and the vote was unanimous.

5. Reports

A. Mayor

Mayor Taylor discussed meeting recently held with Duke Representative Richard Knight and Energy Consultant Kevin O'Donnell in regards to the upcoming Coal Ash fees.

Taylor thanked emergency responders for their wonderful response at the recent fire on Ravenel.

B. Commissioners and Committee Reports

There were no commissioner reports.

C. Town Manager

Manager Ward informed the board he was meeting with County Commissioner Jim Tate and County Manager Derek Roland in regards to the Recreation Agreement and would be getting it ironed out.

Ward told the board Public Works Director Nix was doing well and was driving now.

Mayor Taylor wanted to thank the Public Works crew for the good job on the project being completed on Helens Barn Ave.

6. Consent Agenda

Police Department
Parks & Recreation Department
Planning Department
Treasurer's Report
2017 Firework Resolution

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

**A Resolution Permitting the Use of Pyrotechnics in Connection
with the Public Exhibition for the 4th of July
Resolution No. 2017-01-Res**

WHEREAS, NCGS §14-413 permits the Governing Board of a city authorization to issue permits for the use of pyrotechnics in connection with concerts and public exhibitions; and

WHEREAS, the Macon County Board of Commissioners passed a resolution at a regular meeting on the 8th day of May, 2012 authorizing the Board of Commissioners for the Town of Highlands to issue permits for the use of pyrotechnics in connection with concerts and public exhibitions NCGS §14-413 (a1); and

NOW, THEREFORE, BE IT RESOLVED, the Town of Highlands Board of Commissioners grants the Highlands Chamber of Commerce permission to use pyrotechnics in connection with the public exhibit for Tuesday, July 4, 2017 with an alternative inclement weather date of Saturday, September 2, 2017.

Upon motion duly made and seconded, the above resolution was unanimously adopted by the Board of Commissioners at a regularly scheduled meeting held on the 16th day of February, 2017 in the Highlands Community Building, 71 Poplar Street, Highlands, NC.

This the 16th day of February, 2017.

Patrick L. Taylor, Mayor

ATTEST:

Rebecca R. Shuler, Town Clerk

7. Public Hearing: Unified Development Ordinance Amendment Section 5.4.1, G/I Governmental/Institutional District

A. Open Public Hearing

Commissioner Pierson made a motion to open the public hearing at 7:12pm, which was seconded by Commissioner Patterson and the vote was unanimous.

B. Staff Comments/Recommendation

Recently the Performing Arts Center (PAC) located on Chestnut Street purchased adjacent property and was approved for a rezoning of said property from R-2 to GI. The GI district is described in Sec. 5.4.1 of the Unified Development Ordinance (UDO). In this section it stipulates that “property owned by nonprofit **visual** art organizations” may be located in the GI district. In order to clarify for future reference, the Planning Board was asked to review and recommend whether to simply remove the word “visual” or remove and replace with other verbiage.

At their January 23rd, 2017 meeting the Planning Board discussed removing the word “visual” and the possibility of inserting the word “cultural”. After discussing the matter, the Planning Board voted to recommend simply removing the word “visual” from the description.

C. Public Comments

There was no public comment.

D. Close Public Hearing

Commissioner Pierson made a motion to close the public hearing at 7:14pm, which was seconded by Commissioner Stiehler and the vote was unanimous.

E. Council Action

Commissioner Patterson made a motion to approve remove the word visual from section 5.4.1 of the UDO and to approve the consistency statement, which was seconded by Commissioner Stiehler and the vote was unanimous.

**STATEMENT OF CONSISTENCY
WITH THE TOWN OF HIGHLANDS LAND USE PLAN FOR UNIFIED
DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS
PER NCGS 160A-383**

BE IT HEREBY RESOLVED by the Board of Commissioners for 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 adoption of the attached zoning text amendments regarding corrections and clarifications within the text of the UDO is consistent with the goals, objectives and policies of the Town’s adopted Land Use Plan. Noting that Board action on these amendments and adjustments in references and in numbering of portions of the UDO is reasonable and in the public interest. Specifically, the amendment will clarify the allowed uses in the GI District while continuing to maintain the UDO to be in full compliance with North Carolina statutes.

Upon motion duly made by _____ and duly seconded by Commissioner _____, the above statement was duly adopted by the Town of Highlands Board of Commissioners at the regular meeting held on the _____ day of _____, 2017 in the Community Building, 71 Poplar Street, Highlands, NC.

Upon call for a vote, the following Commissioners voted in the affirmative: _____

And the following Commissioners voted in the negative:

This the _____ day of _____, 2017.

Patrick Taylor, Mayor

Attest:

Rebecca Shuler, Town Clerk

8. Request for Approval for Highlands High School Color Fun Run 5K

The Highlands School freshmen and sophomore classes would like to host a 5k Color Run on April 1st with a rain/snow back up date of April 22nd or 29th. We would choose the official rain date based on verification of prom date which will should be verified in mid-February. The 5k course will be the traditional course used by other 5k events with the start and stop spots at Highlands School. We will start the race at 10 a.m. and we will use parents and teachers along the route to direct runners and traffic. We will also use the colored cornstarch, the same as what we did last year. We will use two officers along the route and the invoice will be sent to Highlands School. Police Chief Bill Harrell has been contacted in regards to the run.

Commissioner Stiehler made a motion to approve the Color Fun Run with a date of April 1st and flexibility of a possible rain date of either April 22nd or 29th, which was seconded Commissioner Pierson and the vote was unanimous.

9. Request to Close Pine Street for Founders Park Fundraiser

Nick Bazaan was on hand to request that Pine Street be closed for a fundraiser in Kelsey Hutchinson Founder’s Park on Saturday, May 20, 2017 from 8 until 12:30pm. Franklin Ford will be on hand to allow test drives of the latest Ford vehicles and a percentage of what is collected will be donated to the Friends of the Park Coalition to fund the final costs of the park construction.

Commissioner Stiehler made a motion to close Pine Street for the fundraiser to be held on Saturday, May 20, 2017, which was seconded by Mayor Pro Tempore Dotson and the vote was unanimous.

10. Review & Approve Mowing & Landscaping Contracts

The Town annually sends out the Town’s Mowing and Landscaping contracts for bid. Attached is a summary of this year’s bids. As you can tell the apparent low bid on all contracts are as follows:

Highlands Parks & Rec.	Cuttin’ It Close	\$25,456.00
Zachary Park	Cuttin’ It Close	\$15,510.00
Highlands Memorial Park	J&J Lawn & Landscaping Services, Inc.	\$36,264.00
Town Landscape	Tate Landscaping Service, Inc.	\$20,500.00
Kelsey/Hutchinson Park	Tate Landscaping Service, Inc.	\$6,795.00

Commissioner Stiehler asked if the Town was happy with the service they had been receiving. Mayor Taylor stated that Lester and Lamar had sat down and reviewed the contracts before they went out to bid and were happy with them.

Mayor Pro Tempore Dotson brought to the attention of the board that there was a mole problem at the Cemetery that needed to be addressed.

And after further brief discussion, Mayor Pro Tempore Dotson made a motion to approve the lowest bids, which was seconded by Commissioner Stiehler and the vote was unanimous.

11. Review & Approve Verizon Wireless Lease

The board was presented with a draft lease between the Town and Verizon Wireless for tower space.

The board discussed the size of the equipment building and terms of the lease along with termination clauses. It was determined that Town Attorney Jay Coward would revisit termination by the town and a clause stating the lease was a public service and could be terminated by the town if it was of no further benefit to the town.

Commissioner Patterson made a motion to table the lease until the next meeting, which was seconded by Commissioner Pierson and the vote was unanimous.

12. Water Treatment Plant Bleach Project Bid Approval

Funding was approved within the current budget for improvements at the water treatment plant, including the conversion from the current chlorine gas treatment system to a bleach treatment system. The total budgeted amount was \$580,000.

Two bids were received for the construction, one bid from Langston Construction and one from Harper Construction, with Gilbert Engineering not submitting a bid. Langston Construction was the low bidder for the construction portion at \$286,500, which included three value engineering items.

In addition to the construction bids, the Town has received quotes for Concrete Spall & Repair for \$96,000 and a Rock Trap for \$28,228, plus adding approximately a 5% contingency of \$22,000, for a total of \$432,728.

The original construction budget for the total WTP project was \$449,000 plus engineering for a grand total of \$574,000.

After a brief discussion, Commissioner Patterson made a motion to award the bid to Langston Construction at \$286,500 with separate amounts approved for Concrete Spall & Repair for \$96,000 and a Rock Trap for \$28,228, plus adding approximately a 5% contingency of \$22,000 totaling \$432,728.

Commissioner Calloway seconded the motion and the vote was unanimous.

13. Closed Session: Pursuant to NCGS §318.11(a)(5): Discuss Potential Contract for Acquisition of Real Property

Commissioner Pierson made a motion to go into Closed Session pursuant to NCGS §318.11(a)(5): Discuss Potential Contract for Acquisition of Real Property at 7:49pm, which was seconded by Commissioner Patterson and the vote was unanimous.

Once discussion was held, Mayor Pro Tempore Dotson made a motion to go back into open session at 8:08pm, which was seconded by Commissioner Calloway and the vote was unanimous.

Back in open session, Mayor Pro Tempore Dotson made a motion, which was seconded by Commissioner Patterson to enter into contract for the purchase of Lot 4 Bear Pen Mountain PIN: 7540833601 for \$75,000.00 with a 2week due diligence period to conduct a title search with an approximate closing date of Friday, March 17, 2017.

14. Adjournment

As there were no further matters to come before the Board of Commissioners, Commissioner Calloway made a motion to adjourn, which was seconded by Mayor Pro Tempore Dotson and upon a unanimous vote, the Town Board adjourned at 8:12pm.

Patrick Taylor
Mayor

Rebecca R. Shuler, CMC, NCCMC
Town Clerk