

**Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of August 17, 2017, at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina**

Town Board Present: Mayor Pro Tempore John Dotson, Commissioner Amy Patterson, Commissioner Donnie Calloway, Commissioner Brian Stiehler, Commissioner Eric Pierson 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 Bill Harrell, Parks & Recreation Director Lester Norris, Planning & Development Director Andrew Bowen, Computer Support Specialist Mark Hall 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 no comments.

**3. Adjust and Approve the Agenda**

Town Manager Josh Ward requested to add an item to the Agenda that was left off this will be after the Eclipse Day Updates, number 11 Request by the First Baptist Church for Use of Public Right of Way. Commissioner Patterson made a motion to approve the agenda with the addition, which was seconded by Mayor Pro Tempore Dotson and the vote was unanimous.

**4. Approval of the July 27, 2017, Regular Meeting Minutes**

Commissioner Patterson requested in number 11, page 7, to change the language from purchasing porta potties to renting porta potties. Commissioner Patterson also requested a revision in number 12 Broadband, second paragraph states as to public/private partnerships and it should state as to an open access network.

Commissioner Stiehler made a motion to approve the July 27, 2017, regular meeting minutes with the revisions presented, which was seconded by Commissioner Patterson and the vote was unanimous.

**5. Reports**

**A. Mayor**

Mayor Taylor began with a status report from the NC Department of Transportation and stated the road construction signs would be removed when the construction is complete. The school still requires curb work and it won't be complete until after the Eclipse.

Joe Schmack from Air One Live out of Greenville, South Carolina approached Town Manager Josh Ward at the Town Hall about a possible webcam on Main Street. The good news it doesn't cost anything and it can be broadcasted with television stations, and that is how Air One Live makes money to install the webcam for us for free. Mayor Taylor stated he would like for the Board to view a presentation and proposal in the September meeting.

### **B. Commissioners and Committee Reports**

Commissioner Patterson stated that the Recreation Committee have been working with Lester regarding extending the hours for the pool and skating rink this winter. Commissioner Patterson said the Committee had met with Paul Schmitt the architect for the current renovations and had plans for the next meeting to discuss a separate contract with him using the \$350,000 given to the Recreation Park by the County.

Commissioner Pierson asked Public Works Director Lamar Nix if trimming the Rhododendron off the sidewalk on Chestnut Street was our responsibility. Public Works Director Lamar Nix stated it was our responsibility and Commissioner Pierson asked for it to be done.

### **C. Town Manager**

Town Manager Ward stated he had met with the County regarding the recycling options for Highlands. The County is buying a replacement bin for the Rich Gap location which might be an option for us. The bin is a trailer style with 6 small bins and 1 large bin in the front and each bin has its own individual door. The recycling trailer will be serviced by the County and once it is full it will be pulled down to the Franklin Landfill one evening and be placed back in its space by the next morning. Town Manager Josh Ward stated he had met with Parks & Recreation Director Lester Norris and Public Works Director Lamar Nix to try to decide on a possible location for placement of the recycling trailer and decided on a place at the Civic Center because it is a central location and has the most room to give at this time. The only cost to us will be for the recycling trailer which is \$16,000.00. Commissioner Patterson asked if the County wasn't paying for the trailer, they provide recycling in other areas. Town Manager Josh Ward stated the County didn't have a budget for it but possibly could be negotiable.

MIS/GIS Director Matt Shuler and Electric Department Foreman Yogi McCall met with Verizon Wireless and they will be starting construction next month but gave no timetable.

The concerns regarding the events and concerts at the park and possible signage, Guy Gooder suggested a free standing sign that had Event Today – Road Closing, and then have the ability to change the times for the road closings to help keep the cars from being blocked in and hopefully moved before the events. The plan is to purchase two of these signs front and back. Chief Bill Harrell suggested closing the street in the morning if that doesn't work. Commissioner Patterson commented that was a lot of parking to

lose on a Saturday. Parks & Recreation Director Lester Norris stated that it would only need to be closed for two more weeks and Labor Day.

Town Manager Josh Ward stated Robbie Forrester handles all of our safety and requirements in training which has become overwhelming. Town Manager Josh Ward stated that he, Robbie and Public Works Director Lamar Nix met with a company called East Coast Risk Management, who toured our facilities and gave a proposal of cost of \$25,500 per year. The company will provide the required training and books for most of our public works departments and would view each property and give recommendations regarding liability and additional studies to keep us up to date and within OSHA regulations. Town Manager Josh Ward stated that Robbie will have more information to present to the Board at the next meeting.

## **6. Consent Agenda**

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

Commissioner Patterson made a motion to accept the consent agenda as presented, which was seconded by Commissioner Pierson and the vote was unanimous.

## **7. Coal Ash Recovery Cost Update**

Nova Energy Consultant Kevin O'Donnell stated he had numerous discussions with Duke and finally has some firm numbers on cost. For 2015 it will be \$80,462, 2016 is \$148,676 and estimated for 2017 is \$155,983. O'Donnell continued that Town Manager Josh Ward was aware that as of last month the beneficial re-use on our bill with Duke is now \$5,000.00 more a month and will continue through January 1, 2018. It will be no later than December that we'll be provided with the retail rate. O'Donnell stated Rebecca had prepared a line item on the utility bills. We are basically recovering from the retail customers for Duke. O'Donnell stated in December 2018 he would be back to true-up and change customer's payments if needed. Mayor Taylor asked if after we recover if the costs could level up and not be as high as they are right now. O'Donnell stated absolutely, numbers could go less than \$15,000-\$20,000 per month. O'Donnell said costs could be as high as \$6 to \$10 dollars a month per 1,000 kWh, right now it was \$8.50 per month. O'Donnell also stated that 15 years is the time frame of collecting for Duke. The amount projected now is \$5,000,000. O'Donnell stated that the Duke rate case proceeding was in Asheville sometime in September, and O'Donnell urged all of the Town Board to come and speak at the meeting. The proceedings will begin with customers first and then others, which is the position we would fall. O'Donnell said that if at this hearing they disallow they will here almost guaranteed.

Letter submitted in Agenda Packet is a letter to send to Mr. Edward Finley of the North Carolina Utilities Commission which lets them know how we stand and to please consider our concerns and if you agree send it to Raleigh.

Commissioner Calloway made a motion to send the letter presented, which was seconded by Commissioner Stiehler and the vote was unanimous.

## **8. Request the Use of Founders Park for Land Trust Event**

Parks & Recreation Director Lester Norris stated that the Highlands-Cashiers Land Trust has requested use of Founder Park Saturday, September 30<sup>th</sup> from 12:00-5:00pm for their second annual Satulahbration. The event includes a hike to the summit of Satulah followed by a chili cook off on the Plaza of Founders Park with music in the park. They have requested that Pine Street be closed from 12:30-5:00pm as well as permission to serve alcohol during the event. Talking with the Police Department we recommend that Pine Street be closed all day allowing the Farmers Market vendors to enter for unloading and loading their goods. The Land Trust has applied for a permit from the NC ABC Commission and has worked with Lieutenant Jolly to secure an off duty officer for the event. The Land Trust will get a copy of the permit to the Recreation Department prior to the event. Staff would recommend the Board approve the closing of Pine Street and the request to serve alcohol during the Satulahbration event on Saturday, September 30<sup>th</sup>.

Commissioner Patterson asked if we had reached the maximum number of events to be held to close Pine Street. Parks & Recreation Director Lester Norris advised he thought that was 26 events but wasn't sure.

Mayor Pro Tempore Dotson made a motion to approve the use of Founders Park, provided we have not exceeded the maximum number of events for closing, which was seconded by Commissioner Patterson and the vote was unanimous.

## **9. Civic Center Renovation Bid Approval**

Town Manager Josh Ward stated at last month's meeting, Warth Construction's bid for \$489,245 for the Civic Center Renovations for Phase I & II were approved. During the review of the contract, staff realized there was not a performance and payment bond included within the contract documents. Therefore, Warth Construction was asked to amend their bid to include the cost of the bond. The bond cost is \$6,500 for coverage of 100% the cost of the bid amount. The new bid amount is \$495,745. Recommendation is to review and approve Warth Construction's bid for the Civic Center Renovations for Phase I and II for \$495,745.

Commissioner Calloway made a motion to approve the Civic Center Renovation bid, which was seconded by Commissioner Patterson and the vote was unanimous.

## **10. Eclipse Day Updates**

Mayor Taylor stated this was a once in a lifetime event. Town Manager Josh Ward and Public Works Director Lamar Nix have met and mutually decided not to pick up the garbage that day because of possible traffic on roads so the plan will be that Monday and

Tuesday residential trash will be picked up on Tuesday. The sanitation crew will be picking up garbage on Main Street all weekend long. Mayor Taylor also stated that Founders Park will be closed Saturday evening as it closes for the concerts and will reopen Monday at 5:00pm. Mayor Taylor added that the law enforcement will deal with major issues and will work to keep the roads open and traffic flowing, parking tickets will not be a priority. Camping could be a problem and there is nothing in place to cover that, but if it is town property the Town Manager or Mayor can ask them to leave. Town Manager Josh Ward confirmed that the 20 porta potties were delivered. Mayor Taylor thanked the staff and committee for the best possible planning.

#### **11. First Baptist Church Request for Use of Public Right of Way**

Town Manager Josh Ward gave background that the Church came in last year to the Zoning Board for expansion, since then they have modified plans and will be going back to the Zoning Board to obtain a new Special Use Permit and have presented an encroachment into the public right of way that is already encroaching but they want to modify the usage.

Jeremy Dooley, Associate Pastor of First Baptist Church and this is Mike English, Chairman of the Building Committee. Dooley stated that they are not changing the footprint but changing the appearance. English presented pictures of the current location and drawings of the proposed use of the public right of way including site plans. They stated the Church will be re-submitting plans for its remodel to the Zoning Board once their blue prints have been completed, but the church wanted to obtain the rights to use the right of way from the Board so they will know how to proceed.

Mayor Pro Tempore John Dotson asked if there was a proposed start date. English stated there was none now because the plans are not yet in final form and they still have to obtain a Special Use Permit, so not starting before April. Mayor Pro Tempore John Dotson stated he thought the plan was great just hated to see the road impassible during tourist season.

Commissioner Calloway made a motion to approve with time is of the essence with regard to interference with traffic, including the execution of the Revocable License Agreement, which was seconded by Commissioner Patterson and the vote was unanimous.

#### **12. Closed Session: Pursuant to NCGS §318.11(a)(4)**

Commissioner Pierson made a motion to go into Closed Session pursuant to NCGS §143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body and Pursuant to NCGS §143-318.11(a)(5): to discuss potential Contract for acquisition of real property at 8:10pm, which was seconded by Commissioner Stiehler and the vote was unanimous.

Once discussion was held, Commissioner Pierson made a motion to go back into open session at 9:00pm, which was seconded by Commissioner Stiehler and the vote was unanimous.

No action was taken.

## **11. Adjournment**

As there were no further matters to come before the Board of Commissioners, Commissioner Stiehler moved to adjourn which was seconded by Commissioner Calloway and upon a unanimous vote, the Town Board adjourned at 9:00pm.

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Patrick Taylor  
Mayor

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Gilberta B. Shaheen  
Town Clerk