

Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of July 18, 2019, at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina

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

Town Board Absent: Commissioner Donnie Calloway

Also Present: Town Manager Josh Ward, Town Attorney Jay Coward, Finance Director Rebecca Shuler, MIS/GIS Director Matt Shuler, Police Chief Bill Harrell, Parks & Recreation Director Lester Norris, Planning & Development Assistant Michael Mathis, Summer Intern Olivia Stewman, 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

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE DOTSON AND THE VOTE WAS UNANIMOUS.

4. Approval of the June 20th, 2019, Regular Meeting Minutes

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE JUNE 20TH, 2019, REGULAR MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

5. Reports

A. Mayor

Mayor Taylor announced he would be having a telephone conference with NCDOT Engineer Burch to review ordinances, signs and signals regarding trucks on the Gorge Road. Mayor Taylor attended a Highlands-Cashiers Health Foundation meeting that reviewed policies. Mayor Taylor sent letters and gift certificates of thanks to Zoning Board members who had completed their service.

Mayor Taylor asked MIS/GIS Director Matt Shuler to report on the fiber installation and Shuler stated the contract had been awarded to JBL and the fiber had a delivery date of November 18, 2019, pending the engineer's approval of the fiber.

Mayor Taylor said he and Mayor Pro Tempore Stiehler would be out of town and not available for the regular scheduled August Board meeting and the Board agreed to postpone the meeting until August 22, 2019.

B. Commissioners and Committee Reports

There were no commissioner or committee reports.

C. Town Manager

Town Manager Ward gave an update on the Buckhorn Water Tank project and the installation of the tank is complete and it's being filled up for a leak test. Ward continued that work on the pump station will begin and should be finished the end of September beginning of October.

Town Manager Josh Ward commended the Finance Committee and Director for the transfer of the accounts to NC Management Trust, since the move 6-7 months ago, there

has been very impressive interest of \$12,000 for the scholarship account and \$60,000 for each of the other accounts.

6. Consent Agenda

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



Agenda Item

Date: July 18, 2019
To: Mayor Patrick Taylor and Town Board of Commissioners
Prepared By: Gibby Shaheen, Town Clerk
Subject: **Zoning Board Appointments**

Background:

The Town of Highlands currently has a vacancy on the Zoning Board. Steve Mehder and Clayton Hartman are the current alternate members, with one of them to become a regular member, leaving one alternate member vacancy.

Recommendation:

The Land Use Committee recommends that Steve Mehder serve as a regular member and James W. Ward be appointed to serve as an alternate member.

MAYOR PRO TEMPORE STIEHLER MADE A MOTION TO ACCEPT THE CONSENT AGENDA AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

7. Chamber of Commerce Holiday Lighting Proposal

Hilary Wilkes presented the LED lighting idea which was sought to heighten the visitors experience and create ambience and use of Main Street area during the fall and winter and displayed a picture. They wanted to make sure it wasn't overly done, but tasteful and wanted the Boards approval and to ask the town to provide the electricity. The Chamber had a company representative present to answer questions.

Commissioner Patterson questioned when they would turn off and will the colored lights on the trees for Christmas show up, not sure that would work out.

Commissioner Patterson and Commissioner Dotson stated they were not prepared to make a decision based on first presentation.

Mayor Taylor pointed out that Public Works Director and Town Engineer Lamar Nix was not at the meeting to answer any of the questions.

Town Attorney Jay Coward reminded the Board that land use changes would have to have a public hearing.

Mayor Taylor asked the Public Works Committee to review with Town Manager, the Chamber and to discuss any other issues with the Planning Board.

8. Trash Disposal Discussion

Mayor Taylor stated after the recycling trailer was placed at the Rec Park the idea of adding a dumpster to help facilitate to keep garbage out of the recycling. As time progressed there ended up with 3 dumpsters being emptied twice a day, and with the kids at the house and garbage smell we determined it wasn't a healthy situation.

Mayor Taylor continued the dumpsters were removed and it was rough for a few days, but the experience definitely confirmed the need for a convenience and recycling center more centered and we need the County to bargain with us for this need.

**9. Financial Matters: Budget Amendment
2018-2019 Governor's Crime Grant Funding Recognition &
2019-2020 Governor's Crime Grant Application Approval**

Police Chief Bill Harrell said in January of 2018, the Highlands Police Department applied for a Local Law Enforcement Block Grant through the Governor's Crime Commission, in effort to fund the purchase of communications equipment for the department. This grant application was approved in March of 2018, however, due to the Federal Government Shutdown and on-going issues with litigation, grant monies from both our 2017/18 and 2018/19 grant applications were frozen, and now they were being released.

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

July 15, 2019

FROM: General Fund



DEPARTMENT: Police Department
EXPLANATION: 2018 Block Grant

Account	Description	Increase/Decrease	Debit	Credit
1. 10-3100-0910	Fund Balance Appropriated ~ General Fund	Increase		\$25,000.00
10-5100-5760	Governor's Crime Commission Grant	Increase	\$25,000.00	
Subtotals			\$25,000.00	\$25,000.00
Totals			\$25,000.00	\$25,000.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE BUDGET AMENDMENT FOR THE 2018 BLOCK GRANT AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

Police Chief Bill Harrell asked permission to proceed with the 2019-2020 Governor's Crime Grant Application for \$50,000.

COMMISSIONER PATTERSON MADE A MOTION FOR THE HIGHLANDS POLICE DEPARTMENT TO PURSUE GRANT FOR SCHOOL, SAFETY PRIORITY, TRAINING

AND EQUIPMENT, WHICH WAS SECONDED BY COMMISSIONER PIERSON AND THE VOTE WAS UNANIMOUS.

10. Utility Connections & Annexation Policy

Mayor Taylor stated there had been some inquiries of neighborhoods and subdivisions with questions regarding annexation with water and sewer taps, and the costs would be substantial for the Town. The current ordinances and policies need to be reevaluated and Mayor Taylor asked the Public Works Committee to review and make suggestions to the Board.

11. Satulah Mountain Interlocal Agreement with Macon County

Town Manager Josh Ward stated The Town of Highlands and Macon County have had an agreement for a number of years for the use of the Satulah Tower Site, in which the Town owns the land and the County owns the tower. The previous agreement expired and the County is requesting the approval of a new agreement. Staff reviewed the agreement and requested two additions, the first addition pertains to landscape screening for any improvements made to the site and the second was to add general town communications to the list of permitted uses. The changes were made by Chester Jones, the Macon County Attorney, and the agreement was approved by the Macon County Board of Commissioners. Town Attorney Jay Coward has reviewed the agreement and approves, and the recommendation is to approve the interlocal agreement as submitted.

INTERLOCAL AGREEMENT

THIS AGREEMENT, made this _____ day of July, 2019, by and between the COUNTY OF MACON, a North Carolina County and body politic and corporate of the State of North Carolina (hereinafter sometimes referred to as "County") and the TOWN OF HIGHLANDS, a North Carolina Town and body politic and corporate of the State of North Carolina (hereinafter sometimes referred to as "Town"):

WITNESSETH:

WHEREAS, County and Town have for a number of years been cooperating with one another to provide for radio communications opportunities for each at what has been known as the Satulah Radio Communications Site owned by Town located on Satulah Mountain in the Town of Highlands located at 439 Worley Road, Highlands, NC 28741, said site being more particularly described as the lands described in the Deed recorded in the Office of the Register of Deeds for Macon County, North Carolina in Book X-15, at Page 161; and

WHEREAS, Town has heretofore provided the use of the real estate upon which said Satulah Radio Communications Site is located; and

WHEREAS, County has heretofore provided the Radio Communications Tower, its radio equipment and related equipment and the Building which are all owned by County and which are located upon said Satulah Radio Communications Site; and

WHEREAS, County and Town have both found such cooperative arrangement to be helpful and consistent with the best interest of each and the citizens and residents of each; and

WHEREAS, County and Town desire to continue to have a cooperative agreement as hereinafter provided with one another to provide for radio communications opportunities for each at what has been known as the Satulah Radio Communications Site owned by Town on Satulah Mountain in the Town of Highlands located at 439 Worley Road, Highlands, NC 28741, said site being more particularly described as the lands described in the Deed recorded in the Office of the Register of Deeds for Macon County, North Carolina in Book X-15, at Page 161 ; and

WHEREAS, County and Town now desire to enter this Interlocal Agreement as a novation to take the place of any and/or all prior agreements concerning the two parties hereto regarding the joint use of the Satulah Radio Communications Site owned by Town on Satulah Mountain in the Town of Highlands located at 439 Worley Road, Highlands, NC 28741, said site being more particularly described as the lands described in the Deed recorded in the Office of the Register of Deeds for Macon County, North Carolina in Book X-15, at Page 161.

NOW THEREFORE, the parties hereto agree as follows:

I. Purpose of Agreement:

The purpose of this Agreement is for County and Town to have a cooperative agreement as hereinafter provided with one another to provide for radio communications opportunities for each at what has been known as the Satulah Radio Communications Site owned by Town on Satulah Mountain in the Town of Highlands located at 439 Worley Road, Highlands, NC 28741, said site being more particularly described as the lands described in the Deed recorded in the Office of the Register of Deeds for Macon County, North Carolina in Book X-15, at Page 161, and to spell out the rights and obligations of each party hereto in connection with the same.

II. Duration of Agreement:

The duration of this Agreement shall be for a term of twenty (20) years from the date of execution hereof.

III. Manner of appointing the personnel necessary to the execution of the undertaking:

County will appoint and pay for and provide all of its personnel necessary to perform its obligations as specified by this Agreement. Town will appoint and pay for and provide all of its personnel necessary to perform its obligations as specified by this Agreement.

IV. Method of financing the undertaking, including the apportionment of costs and revenues:

County will pay for and provide all of its personnel, travel, materials and equipment necessary to perform its obligations as specified by this Agreement. Town will pay for and provide all of its personnel, travel, materials and equipment necessary to perform its obligations as specified by this Agreement.

V. Methods of amending the Agreement:

The Parties hereto may, from time to time, execute and deliver such written amendments to this Agreement and such further instruments as may be required or desired for carrying out the expressed intention of this Agreement.

VI. Methods for terminating the Agreement:

This Agreement may be terminated by the written mutual agreement of both parties hereto.

VII. Town agrees for and during the term of this Interlocal Agreement:

- A. To provide for the joint use of each party hereto of what has been known as the Satulah Radio Communications Site owned by Town on Satulah Mountain in the Town of Highlands located at 439 Worley Road, Highlands, NC 28741, said site being more particularly described as the lands described in the Deed recorded in the Office of the Register of Deeds for Macon County, North Carolina in Book X-15, at Page 161, in order to provide for radio communications opportunities for each party hereto and at no cost to County; and
- B. Town shall allow County to continue to locate and maintain the County's Radio Communication Tower and its Building which are presently located upon said Satulah Radio Communication Site in their present locations, as well as all of the equipment owned by County and which it presently has located upon said Radio Communications Tower, all of the equipment owned by County and which it presently has located within the County's Building, and the County's standby generator located at said Satulah Radio Communication Site. Town hereby acknowledges and agrees that such Radio Communication Tower, Building and equipment is owned solely by County. Town shall also allow County to locate and maintain liquid propane tanks which it leases upon said Satulah Radio Communication Site; and
- C. Town shall its sole expense repair, replace and/or maintain any of its equipment that it presently has located on said Radio Communications Tower and/or within said Building located upon said Satulah Radio Communication site; and
- D. Town shall maintain the presently existing paved access road to said Radio Communication Site in such a manner as to allow radio maintenance vehicles 24 hour access to said Satulah Radio Communication Site for emergency repairs, weather and acts of God excepted.

VIII. County agrees for and during the term of this Interlocal Agreement:

- A. County shall continue to locate and maintain the County's Radio Communications Tower and its Building which are presently located upon said Satulah Radio Communication Site in their present locations; and
- B. County shall allow the Town, at its sole expense, to locate, repair, maintain and/or replace its presently existing equipment, in its present location, as located upon the County's Radio Communications Tower located at said Satulah Radio Communications Site as well as all of its presently existing equipment which it presently has located within the County's Building, in its present locations; and
- C. County shall maintain said Satulah Radio Communications Site so that it will be free from trash and junk and otherwise maintained reasonably consistent with properties

adjacent to said Satulah Radio Communications Site. Nothing herein shall constitute a requirement that County undertake any landscaping other than grass mowing and landscaping must be provided for screening purposes upon the construction of a new tower or support facility; and

- D. County shall pay for all utilities provided to its Radio Communications Tower and Building located on said Satulah Radio Communication site; and
- E. County will provide Town with a key to its Building located on said Satulah Radio Communications site so that it may access the same.

IX. Both parties agree for and during the term of this Interlocal Agreement:

- A. That said Satulah Radio Communications Site shall be jointly used by the parties hereto as a fixed repeater site for emergency communications for law, fire and EMS agencies serving the Highlands and Macon County areas and shall also be used to include general Town communications; and
 - B. That in the future, any modifications made to, or additions of equipment to the existing Radio Communications Tower located on said Satulah Radio Communications Site shall be made only after the written mutual agreement to the same by both parties hereto and the same shall be accomplished by amendments to this Interlocal Agreement. Further, the parties hereto specifically contemplate and agree that any such modifications or additions must include a space of ten (10) feet with typical wind loading for omni-directional or sector antennae for any use Town deems useful; and
 - C. Each party hereto shall, at its own expense, maintain, repair and/or replace the presently existing equipment owned by each which is located at the Satulah Radio Communications Site
- X. E-Verification. County and Town shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. Further, if County and/or Town utilizes a subcontractor, County and/or Town shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the General Statutes.

IN WITNESS WHEREOF, County and Town have caused this contract to be executed in duplicate originals all as of the date and year first above written.

COUNTY OF MACON

By: _____

Name: _____

Title: Chairman of the Macon County Board of
Commissioners.

ATTEST: _____

(Seal)

TOWN OF HIGHLANDS

By: _____

Name: _____

Title: Mayor of the Town of Highlands

ATTEST: _____

(Seal)

PRE-AUDIT CERTIFICATE

This Instrument has been pre-audited as required by the Local Budget and Fiscal Control Act.

This the ____ day of _____, 2019.

Macon County Finance Officer

PRE-AUDIT CERTIFICATE

This Instrument has been pre-audited as required by the Local Budget and Fiscal Control Act.

This the ____ day of _____, 2019.

Town of Highlands Finance Officer

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE AGREEMENT AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE STIEHLER AND THE VOTE WAS UNANIMOUS.

12. Closed Session: Pursuant to NCGS §318.11(a)(6) Personnel: Annual Town Manager Review

COMMISSIONER PIERSON MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS §318.11(A)(6) TO DISCUSS PERSONNEL: ANNUAL TOWN MANAGER REVIEW AT 8:07PM, WHICH WAS SECONDED BY MAYOR PRO TEMPORE STIEHLER AND THE VOTE WAS UNANIMOUS.

ONCE DISCUSSION WAS HELD, MAYOR PRO TEMPORE STIEHLER MADE A MOTION TO GO BACK INTO OPEN SESSION AT 8:24PM, WHICH WAS SECONDED BY COMMISSIONER PIERSON AND THE VOTE WAS UNANIMOUS.

13. Adjournment

As there were no further matters to come before the Board of Commissioners, Mayor Pro Tempore Stiehler moved to adjourn which was seconded by Commissioner Dotson and upon a unanimous vote, the Town Board adjourned at 8:24pm.

Patrick Taylor
Mayor

Gilberta B. Shaheen
Town Clerk