

**Regular Meeting Minutes of the Town of Highlands Board of Commissioners
Meeting of December 12, 2019, at the Highlands Community Building, 71
Poplar Street, Highlands, North Carolina**

Town Board Present: Commissioner John Dotson, Commissioner Amy Patterson,
`Commissioner Donnie Calloway, Mayor Pro Tempore Brian Stiehler, Commissioner Elect
Marc Hehn and Mayor Pat Taylor

Town Board Absent: Commissioner Eric Pierson

Also Present: Town Manager Josh Ward, Finance Director Rebecca Shuler, Public Works
Director Lamar Nix, Police Chief Bill Harrell, Fire Chief Ryan Gearhart, Parks & Recreation
Director Lester Norris, Planning & Development Director Assistant Michael Mathis,
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 asked to add #10. Review Revised Memorandum of Transportation
Agreement with Macon County to Old Business, and #13. Request to Renovate the Pool
House at Rec. Park from Art Williams to New Business.

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

4. Approval of the November 21st, 2019, Regular Meeting Minutes

Commissioner Dotson asked to make a clarification in his motion in #9 and change
“additions” to “existing improvements.”

COMMISSIONER CALLOWAY MADE A MOTION TO APPROVE THE NOVEMBER 21ST,
2019, REGULAR MEETING MINUTES AS AMENDED, WHICH WAS SECONDED BY
COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

5. Reports

A. Mayor

Mayor Taylor thanked the Chamber of Commerce, Town employees, public works
department, police departments for lighting the Town and the parade. Mayor Taylor
commended Rosman High School Band and Franklin Panther Band for participating and
great performance.

Mayor Taylor reported he attended Essentials in Municipal Government with incoming
Commissioner Marc Hehn. Mayor Taylor also said he had received an award at the
Attorney General’s office for his advocacy for Hospital.

Mayor Taylor introduced Dr. Patti Wheeler who introduced HCA CEO Tom Neal who came
from a similar area of Green Briar and Hilton Head. Neal is looking forward to being part
of the community and helping in recruiting healthcare professionals for our community.

B. Commissioners and Committee Reports

There were no commissioner or committee reports.

C. Town Manager

Town Manager Ward announced the Oak Street dumpsters were removed and replaced
with totes. Ward also announced that Town Hall would be closed Wednesday, December
24th and Thursday, December 25th for the Christmas Holiday.

6. Consent Agenda

Public Works Department
Police Department
Parks & Recreation Department
Planning & Development Department
Treasurer’s Report
2020 Meeting & Holiday Calendar



Agenda Item

Date: December 12, 2019
To: Mayor Patrick Taylor and Town Board of Commissioners
Prepared By: Gilberta B. Shaheen, Town Clerk
Subject: **Meeting Schedule for 2020**

Background:

According to NCGS §143-318.12 the board “shall cause a current copy of that schedule, showing the time and place of regular meetings, to be kept on file as follows: (4) For each other public body, with its clerk or secretary, or, if the public body does not have a clerk or secretary, with the clerk to the board of county commissioners in the county in which the public body normally hold its meetings.” Please note the Code of Highlands North Carolina Sec. 2-26 Regular Meetings lists out that the regular meeting of the mayor and the board of commissioners shall be held on the third Thursday of each month at 7:00pm, year round at the community building unless otherwise designated by the board.

Recommendation:

Approve the following monthly regular meeting schedule for 2020 at the will of the Board.

<u>Month</u>	<u>Date</u>
January	16 th
February	20 th
March	19 th
April	16 th
May	21 st
June	18 th
July	16 th
August	20 th
September	17 th
October	15 th
November	19 th
December	17 th



Agenda Item

Date: Thursday, December 12, 2019
To: Mayor Patrick Taylor and Town Board of Commissioners
Prepared By: Gilberta B. Shaheen, Town Clerk
Subject: **Holiday Schedule for 2020**
Background:

The Town of Highlands Employee Personnel Manual sets forth that the Town Manager will prescribe holidays to be observed and also lists the following holidays: New Year’s Day, Martin Luther King Day, Easter Friday (Good Friday), Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and the Day After, and Christmas -Two (2) Days as the Board of Commissioners designates. The state and county holiday schedules are also referenced. Annually the Board of Commissioners reviews and approves the dates on which the holidays will be observed.

Recommendation:

Approve the following observance dates for the approved holidays at will of Town Board of Commissioners.

<u>Holiday</u>	<u>Observance Date</u>	<u>Day of the Week</u>
New Year’s Day	January 1, 2020	Wednesday
Martin Luther King Day	January 20, 2020	Monday
Good Friday	April 10, 2020	Friday
Memorial Day	May 25, 2020	Monday
Independence Day	July 3, 2020	Friday
Labor Day	September 7, 2020	Monday
Veteran’s Day	November 11, 2020	Wednesday
Thanksgiving	November 26 & 27, 2020	Thursday & Friday
Christmas	December 24 & 25, 2020	Thursday & Friday


 THE TOWN OF
HIGHLANDS
 2020 Calendar of Meetings/Holidays

January							February							March							April						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4						1	1	2	3	4	5	6	7				1	2	3	4	
5	6	7	8	9	10	11	2	3	4	5	6	7	8	8	9	10	11	12	13	14	5	6	7	8	9	10	11
12	13	14	15	16	17	18	9	10	11	12	13	14	15	15	16	17	18	19	20	21	12	13	14	15	16	17	18
19	20	21	22	23	24	25	16	17	18	19	20	21	22	22	23	24	25	26	27	28	19	20	21	22	23	24	25
26	27	28	29	30	31		23	24	25	26	27	28	29	29	30	31					26	27	28	29	30		

May							June							July							August						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2		1	2	3	4	5	6				1	2	3	4							1
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	23	24	25	26	27	28	29	
31														30	31						30	31					

September							October							November							December						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5					1	2	3	1	2	3	4	5	6	7			1	2	3	4	5
6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
27	28	29	30				25	26	27	28	29	30	31	29	30						27	28	29	30	31		

2 Town Board (3rd Thursday of each month @ 7:00 p.m.)
 8 Zoning Board of Adjustment (and Wednesday of each month @ 5:30 p.m.)
10 Planning Board (4th Monday of each month @ 5:30 p.m.)
 25 Holiday

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

7. Duke Energy Update

Energy Consultant Kevin O’Donnell provided a rate update, which projects a rate hike in 2020 with the demand cost increasing. O’Donnell will meet with Town Manager Josh Ward and Finance Director Rebecca Shuler to work out numbers over the next month.

O’Donnell updated that the Coal Ash appeal will be heard in April and a possible decrease in fees will follow.

O’Donnell said he had several of his municipality clients leave Duke and get power elsewhere. O’Donnell reminded the Board that our Contract with Duke ends in 9 years and suggested to start shopping around in 5 years.

8. Old Walhalla Road Property Sale (former Buckhorn Water Tank Property)

Finance Director Rebecca Shuler reminded the Board in last month’s meeting the Board approved the Resolution Authorizing Upset Bid Process and the Notice of Sale by upset bid at that time. The notice was given and no further bids were received. Therefore, the Board needs to formally accept this offer and instruct staff to proceed with the sell at the pleasure of the Board. The purchaser has agreed to pay the closing costs.

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

9. Highlands First Dept. Request for Qualifications (RFQ)

Fire Chief Ryan Gearhart stated that Architect Randy Baker had a conflict and couldn’t attend the meeting, but was close to having the plans completed and needed direction how to proceed.



Request for Qualifications (RFQ)
for
Construction Manager at Risk (CM@R)
Services for
Highlands Fire Department New Facility

Issued: December 12, 2019

Submittals Due: January 23, 2020 by 2:00 p.m. EST

Contact: Josh Ward, Town Manager

E-mail: josh.ward@highlandsc.org

Phone: (828) 526-2118

Introduction

The Town of Highlands, North Carolina ("Town") is seeking to hire a qualified Construction Manager at Risk firm ("CM@R") to provide preconstruction and construction management services for a new fire station in Highlands, NC ("Project"). Through this Request for Qualifications ("RFQ"), the Town is seeking Qualifications Statements from interested and qualified firms.

The new Fire Station will be constructed in the town limits at 149 Franklin Road, Highlands, NC 28741, across from the existing post office.

The new Fire Station will have a two-story area in the administration portion of the building with a seven (7) bay, drive-through apparatus floor. The second level will house sleeping quarters, restroom/shower facilities, exercise room and common/living room area.

The Project is currently in the programming and design phase. The Town anticipates substantial completion of the Project by January 2021.

The CM@R must have experience as the prime at-risk contractor, design builder, or construction manager (either individually or as the major joint venture partner) for the construction of a minimum of three (3) similar size or larger fire stations to be considered for further evaluation.

Scope of Work

The specific scope of work for the selected CM@R for the Project will be defined in the construction management agreement. However, at a minimum the following services are required of the CM@R:

- Provide preconstruction phase services including cost estimating, life-cycle cost analysis, value engineering, constructability reviews, scheduling, phasing plans, etc.
- Provide and maintain Request for Information ("RFI") and submittal logs
- Develop and maintain a master project schedule
- Prepare and maintain a cash flow analysis
- Define and prepare scopes of work for bid packages
- Develop a site management plan
- Provide construction management and general contracting services
- Develop a phasing and sequencing plan

- Establish and maintain quality control standards
- Provide Guaranteed Maximum Price ("GMP")

In accordance with North Carolina General Statutes Section 143-128.1 the CM@R Contractor will be required to prequalify all first-tier subcontractors with assessment tools and criteria for the Project including specific prequalification scoring values jointly developed with the Town.

Project Schedule

The CM@R is expected to commence preconstruction services in March 2020 and the Town anticipates substantial completion of the Project in January 2021.

Qualifications Statement Submittal Requirements

The following components shall be submitted to the Town in a concise manner as part of the response to this RFQ. Failure to include all the elements specified below may be cause for rejection. Additional information may be provided, but shall be relevant to this RFQ. Submittals shall be limited to 25 pages. Document pages shall be 8-1/2 inches by 11 inches in size or folded to such a size. Qualifications Statements shall correspond to the sections below:

1. Firm Information

- a. Firm name, mailing address (include physical location if mailing address is a P.O. Box), contact person, telephone number, and e-mail address.
- b. Type of organization (joint venture, partnership, limited partnership, corporation, etc.). If submitting as a joint venture, firm shall provide a summary of the draft agreement terms.
- c. Firm history, including background of firm's executive management and number of years the firm has been in business.
- d. Financial information:
 - i. Firm's total annual construction volume for the past five (5) years.
 - ii. Name and contact information of the firm's bonding company.
 - iii. Letter from the surety indicating the firm's current bonding capacity and the surety's willingness to bond the Project.
 - iv. A.M. Best rating for the firm's surety, and its status to do business in North Carolina.
- e. Has the firm, or joint venture partner, ever been involved in litigation or arbitration with an owner of a similar facility? If so, please describe each instance, giving specific detail regarding the reasons for the claim and amount in dispute. Explain how the claim was resolved.

2. Relevant Experience and Capabilities

- a. Provide confirmation that the firm and its team members are licensed to provide construction management services in North Carolina.

- b. Demonstrate the firm's experience in constructing fire stations for either career or volunteer fire departments. Provide three (3) or more examples where the firm has provided construction management services for projects similar in size and complexity to the Project. The selected projects should demonstrate the firm's capability, creativity and unique problem-solving skills, budget and schedule compliance, and added value. The following information shall be provided for each project:
 - i. Owner and location of the project
 - ii. Completion date or status of the project
 - iii. Brief project description highlighting its key elements
 - iv. Capacity and square footage of the project
 - v. Key personnel proposed for this project that were involved in the project
 - vi. E-mail and telephone number for client references
 - vii. Initial project budget, final cost, and type of contract

3. Project Team

- a. Identify the key personnel who will be assigned to the Project.
- b. Identify the firm's single point of contact for the entire Project.
- c. Provide an organization chart clearly defining all individuals proposed for the Project.
- d. Provide resumes for everyone listed above, including the following:
 - i. Name and title
 - ii. Years of experience
 - iii. Years with firm
 - iv. Office location
 - v. Education, certifications, licenses, and/or special training
 - vi. Description of role and key responsibilities for the Project and level of involvement in each phase
 - vii. Listing and description of relevant project experience
- e. Identify the level of commitment to the Project for each key personnel, including the project executive and lead project manager(s). Indicate their ability to start preconstruction services in March 2020.

4. Project Approach: Provide a narrative describing the firm's approach to the Project. The following items shall be addressed specifically:

- a. Describe approach to implementing the fire station. Identify opportunities, challenges, and risk mitigation strategies.
- b. Discuss approach to project controls, including scope, schedule, budget and cost control, and construction quality control with examples of past success.

- c. Describe procurement plan to ensure completion of the Project on a timely basis.
 - d. Describe practices and processes in monitoring and managing construction activities and subcontractor performance to minimize requests for change orders and avoid or mitigate construction related disputes.
 - e. Indicate whether the firm would propose to self-perform any work on the Project and, if so, the nature of the work and the firm's capability to self-perform.
 - f. Describe how the firm will ensure competitive pricing and on-time, quality performance by its subcontractors.
 - g. Describe the firm's approach to creating a competitive procurement environment for the benefit of the Project.
 - h. Describe the firm's experience implementing apprenticeship and/or work for development programs.
5. **Minority Participation**: Describe the program (plan) that your company has developed to encourage participation by Minority and other HUB firms to meet or exceed the goals set by North Carolina General Statute 143-128.2. Attach a copy of that plan to this proposal. Provide documentation of the Minority and other HUB participation that you have achieved over the past two years on both public and private construction projects. Outline specific efforts that your company takes to notify Minority and other HUB firms of opportunities for participation. Indicate the minority participation goal that you expect to achieve on this project. The CM@R will be required to submit a final plan for compliance with Section 143-128.2 for Town approval prior to soliciting bids for the Project's first tier subcontractors.

Selection Criteria

Qualifications Statements will be evaluated by the Selection Committee based on the firms' ability to meet the requirements of this RFQ. The primary evaluation criteria include:

1. Experience providing preconstruction and construction management services for similar projects;
2. Approach to the Project;
3. Ability to meet the established schedule;
4. Qualifications and abilities of key individuals proposed for the Project;
5. Client references; and
6. An office in North Carolina.

Submission Process and Timeline

Qualifications Statements shall be submitted in both electronic and hard copy no later than **2:00 p.m. EST on January 23, 2020**. Responses must be prepared in conformance with the guidelines described in this RFQ. Responses received after the deadline will **not** be considered.

- Electronic qualification statements shall be submitted electronically in PDF format to josh.ward@highlandsnc.org. The e-mail subject line must be as follows: "CM@R Qualifications Statement - Highlands Fire Department New Facility."
- In addition, three (3) bound hard copies shall be mailed to: Josh Ward, Town Manager, Town of Highlands, P.O. Box 460, Highlands, NC 28741. Paper copies must be received by the deadline.

All responses are subject to public disclosure under the North Carolina Public Records Law. To the extent permissible by law, the Town agrees to keep confidential any confidential proprietary information included in a response, provided that: 1) the respondent identifies the confidential proprietary portions of the response; 2) the respondent identifies as confidential and proprietary only those portions of the submittal that actually are confidential and proprietary; and 3) the respondent states why protection is necessary. Respondents shall not designate their entire response as confidential and proprietary, nor shall they so designate information that is already public.

In submitting a Qualifications Statement, each firm agrees that the Town may reveal any materials contained in such response to all the Town staff and the Town officials involved in the selection process and to any outside consultant or other third parties who serve on the Selection Committee or who are hired by the Town to assist in the selection process. Furthermore, each firm agrees to indemnify and hold harmless the Town and each of its officers, employees and agents from all costs, damages, and expenses incurred in connection with refusing to disclose any material that the firm has designated as a trade secret.

Any information that the respondent would like to remain confidential should be e-mailed under separate cover to josh.ward@highlandsnc.org. The e-mail subject must be "PROTECTED: CM@R - Highlands Fire Department New Facility"

The schedule for this procurement of the CM@R is as follows:

- | | |
|---|-----------------------|
| 1. Issue RFQ | December 12, 2019 |
| 2. Deadline for Questions/ Clarifications | January 15, 2020, 5PM |
| 3. Submittals Due | January 23, 2020, 2PM |

- | | |
|-----------------------------|------------------|
| 4. Interviews of Short List | February 4, 2020 |
| 5. Notice of Award | February 7, 2020 |

Conditions and Reservations

The Town reserves the right to refuse and reject any or all responses to the RFQ, to advertise for new RFQ responses, or to accept any RFQ response deemed to be in the best interest of the Town in its sole and exclusive discretion. The Town reserves the right to waive technicalities and informalities. The Town reserves the right to negotiate with one or more firms and is not obligated to enter into any contract with any respondent on any terms or conditions.

A response to this RFQ shall not be construed as a contract, nor indicate a commitment of any kind. The RFQ does not commit the Town to pay for costs incurred in the submission of a response to this RFQ or for any cost incurred prior to the execution of a final contract. No recommendations or conclusions from this RFQ process concerning your firm shall constitute a right (property or otherwise) under the Constitution of the United States or under the Constitution, case law or statutory law of the State of North Carolina.

Neither binding contract, obligation to negotiate, nor any other obligation shall be created on the part of the Town unless the Town and your firm execute a contract.

An authorized representative of the firm is required to certify the accuracy of all information contained in your submittal by executing the certification form attached to this RFQ as Exhibit "A".

EXHIBIT A

Certification Form

(Provide separate Certification for each Joint Venture or Partnership entity)

****COMPANY NAME****

****SEAL****

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS RESPONSE TO THE REQUEST FOR PROPOSALS IS CORRECT AND TRUTHFUL TO THE BEST OF MY KNOWLEDGE AND BELIEF.

This the ___ day of ___, 2020.

By: ___

Title:.....

License number under with the project will be executed:

Name license number above is held in:

STATE OF
COUNTY OF

I, _____ a Notary Public in and for the County and State aforesaid, do hereby certify that personally came before me this day and acknowledged that he is of and by that authority duly given and as an act of the foregoing instrument was signed by As, attested by him/herself as Secretary, and sealed with the common seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the ___ day of ___ __ 2020.

Notary Public

My commission expires:

COMMISSIONER CALLOWAY MADE A MOTION TO APPROVE THE REQUEST FOR QUALIFICATIONS AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE STIEHLER AND THE VOTE WAS UNANIMOUS.

10. Review Revised Memorandum of Transportation Agreement with Macon County

Police Chief Bill Harrell stated the Memorandum was redrafted to include the 3rd party that the County had contracted with.

COMMISSIONER DOTSON MADE A MOTION TO APPROVE THE REVISED MEMORANDUM OF TRANSPORTATION AGREEMENT WITH MACON COUNTY AS REDRAFTED AND PRESENTED, WHICH WAS SECONDED BY COMMISSIONER CALLOWAY AND THE VOTE WAS UNANIMOUS.

MEETING RECESSED AT 7:50PM TO WAIT FOR THE ARRIVAL OF MACON COUNTY CLERK OF SUPERIOR COURT VICTOR H. PERRY, AND CALLED BACK TO ORDER AT 8:06PM

11. Swearing in New Town Board Members

- **Brian Stiehler, John Dotson & Marc Hehn**

Although unable to be present, Mayor Taylor thanked Commissioner Eric Pierson for his years of service to the Town of Highlands.

Macon County Clerk of Superior Court Victor H. Perry gave the Oath of Office to Brian Stiehler, John Dotson and Marc Hehn who were elected to the Board of Commissioners on November 5, 2019.

12. Town Board Committee Appointments

Mayor Taylor said he had reorganized the Committees this year and appreciated the Commissioners and Staff for the work and willingness to serve on the committees.

COMMITTEES OF THE BOARD OF COMMISSIONERS

Finance Committee: John Dotson, Brian Stiehler and Amy Patterson

Public Works Committee: Donnie Calloway, Marc Hehn and Brian Stiehler

Recreation Committee: Donnie Calloway, Brian Stiehler and Marc Hehn

Land Use Committee: John Dotson, Amy Patterson and Donnie Calloway

Sustainability and Community Wellness: Amy Patterson, Marc Hehn and John Dotson

Scholarship Fund Raising Committee: Patrick Taylor, Donnie Calloway and Brian Stiehler

Business Group: Patrick Taylor, Brian Stiehler and Mark Hehn

Public Safety: John Dotson, Donnie Calloway and Brian Stiehler

Bear Wise: Amy Patterson, Marc Hehn and Patrick Taylor

IT/Communications Committee: Amy Patterson, Patrick Taylor and John Dotson

13. Request to Renovate the Pool House at Rec. Park from Art Williams

Parks & Recreation Director Lester Norris said he had been approached by Mr. Art Williams to pay for the remodel of the interior of the foyer, office and showers at the pool, including leveling tile showers, new cabinets, lockers and a kitchenette.

MAYOR PRO TEMPORE STIEHLER MADE A MOTION TO APPROVE A BUDGET AMENDMENT FOR \$232,127.50, TO RECOGNIZE IT TO REVENUE AND ALLOCATE IN CAPITAL OUTLAY, WHICH WAS SECONDED BY COMMISSIONER CALLOWAY AND THE VOTE WAS UNANIMOUS.

14. Adjournment

As there were no further matters to come before the Board of Commissioners, Commissioner Calloway moved to adjourn which was seconded by Commissioner Dotson and upon a unanimous vote, the Town Board adjourned at 8:15pm.

Patrick Taylor
Mayor

Gilberta B. Shaheen
Town Clerk